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# IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties to the Covenant concerning rights covered by articles 13 to 15, in accordance with the third stage of the programme established by the Economic and Social Council in its resolution 1988 (LX)

Addendum

## AUSTRALIA*

[10 June 1992]

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* The initial report submitted by the Government of Australia concerning rights covered by articles 13 to 15 of the Covenant (E/1982/3/Add.9) was considered by the Sessional Working Group of Governmental Experts at its 1982 session (see E/1982/WG.1/SR.13-SR.14).

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Attachments to this report*

Australian Education Council: National Report on Schooling in Australia, 1990

Australian Education Council: National Report on Schooling in Australia - Statistical Annex, 1990

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* Available for consultation at the Centre for Human Rights.

## LIST OF ABBREVIATIONS USED IN THIS REPORT

| | |
|---|---|
| AATSIAC | Australian Aboriginal and Torres Strait Islander Affairs Council |
| AAUCS | Australian Asian Universities Cooperation Scheme |
| ABC | Australian Broadcasting Commission |
| ABS | Australian Bureau of Statistics |
| ABSA | Australian Business Support for the Arts |
| ACAP | Australian Cooperative Assessment Programme |
| ACIAR | Australian Centre for International Agricultural Research |
| ACLIS | Australian Council of Libraries and Information Services |
| AEC | Australian Education Council |
| AEP | National Aboriginal and Torres Strait Islander Education Policy |
| AETT | Australian Elizabethan Theatre Trust |
| AFC | Australian Film Commission |
| AFTRS | The Australian Film, Television and Radio School |
| AIC | Assistance for Isolated Children Scheme |
| AIMS | Australian Institute of Marine Science |
| AIDAB | Australian International Development Assistance Bureau |
| AISAS | Australian Institute of Aboriginal Studies |
| AMEP | Adult Migrant English Programme |
| ANSTO | Australian Nuclear Science and Technology Organization |
| ANZAAS | Australian and New Zealand Association for the Advancement of Science |
| ARC | Australian Research Council |
| ASTEC | Australian Science and Technology Council |
| ATSI | Aboriginal and Torres Strait Islander |
| BMR | Bureau of Mineral Resources |
| BRACS | Broadcasting for Remote Aboriginal Communities |
| CGIAR | Consultative Group on International Agricultural Research |
| CCRD | Consultative Committee on Research for Development |
| CIRC | CSIRO Centre for International Research Cooperation |
| CITCA | Committee of Inquiry into Technological Change in Australia |
| CSL | Commonwealth Serum Laboratories |
| CSIRO | Commonwealth Scientific Industrial and Research Organization |
| CTEC | Commonwealth Tertiary Education Commission |
| DASETT | Department of the Arts, Sports, the Environment, Tourism and Territories |
| DITAC | Department of Industry, Technology and Commerce |
| DSTO | Defence Science and Technology Organization |
| ESL | English as a second language |
| GEMAC | Genetic Manipulatory Advisory Committee |
| IARC | International Agricultural Research Centre |
| ICA | International Council on Archives |
| ICSU | International Council of Scientific Unions |
| IFLA | International Federation of Library and Information Associations and Institutions |
| IR & D | Industrial Research and Development |
| ISSS | International Seminars Support Scheme |
| NCELTR | National Centre for English Language Training and Research |
| NERDDC | National Energy Research Development and Demonstration Council |
| NESB | Non-English Speaking Background |
| NHMRC | National Health and Medical Research Council |

| | |
|---|---|
| NLA | National Library of Australia |
| PAC | Preservation and Conservation Core Program |
| R&D | Research and Development |
| RIRFs | Rural Industry Research Funds |
| SBS | Special Broadcasting Service |
| SART | Student Assistance Review Tribunal |
| S&T | Science and Technology |
| TAFE | Technical and Further Education |
| WIPO | World Intellectual Property Organization |
| UNDP | United Nations Development Programme |

## Introduction

1. The International Covenant on Economic, Social and Cultural Rights was signed by Australia on 18 December 1972 and ratified on 10 December 1975. It entered into force for Australia on 10 March 1976.

2. In accordance with articles 16 and 17 of the Covenant, and with the programme set forth in resolution 1988 (LX) of the Economic and Social Council, Australia hereby submits its report on the measures it has adopted and the progress made in achieving observance of the rights recognized in articles 13-15 of part III of the Covenant. This report meets Australia's reporting responsibilities under the original cyclical reporting schedule. From 1992, reports will be submitted in line with the recent recommendations of the Committee on Economic, Social and Cultural Rights, that is, to provide a complete report on the implementation of all articles of the Covenant.

3. The material included in the report should be considered in the context of the general constitutional and legislative structures in operation in Australia. General information on the legal framework within which human rights are protected and the measures taken to promote human rights in Australia are provided in the core document submitted by Australia. The core document also provides information on Australia's land and people and political structure, and should be read in conjunction with this report.

4. In the preparation of this report, the format set out in the revised general guidelines for reporting [E/C.12/1991/1] has been followed. Financial figures provided in this report have been expressed in Australian dollars. In addressing the rights covered under articles 13-15 of the Covenant, Australia has given particular attention to the matters dealt with in parts I and II (articles 1 to 5) as requested. These matters include self-determination, discrimination, non-nationals, equal rights of men and women, and limitations imposed upon the exercise of the rights set forth under articles 13-15.

5. In addition to the specific educational, scientific and cultural measures outlined in the report, a number of general administrative and legislative measures concerned with elimination of various forms of discrimination have been introduced in recent years at Federal and State Government levels. Details of most of these were provided in the introduction to Australia's report of 1986 on the implementation of articles 10-12 of the Covenant. Measures not mentioned in that report are those which have been adopted since Australia's report on articles 10-12 was submitted. These measures are also dealt with in the core document.

6. Since Australia's report on articles 10-12 was submitted, one of the most important of the measures adopted by Australia in the area of human rights has been the establishment of the Human Rights and Equal Opportunity Commission. The Human Rights and Equal Opportunity Commission is a permanent independent authority established by the Australian Parliament. It commenced its work on Human Rights Day (10 December) in 1986, when its predecessor, the Human Rights Commission, completed its five-year term.

7. The Commission presently has responsibilities under four Acts of the Australian Parliament:

(a) The Racial Discrimination Act 1975;

(b) The Sex Discrimination Act 1984;

(c) The Human Rights and Equal Opportunity Commission Act 1986; and

(d) The Privacy Act 1988.

8. Under these Acts of Parliament, the Commission has particular responsibilities in relation to seven international instruments:

(a) The International Covenant on Civil and Political Rights;

(b) The United Nations Declaration of the Rights of the Child;

(c) The Declaration on the Rights of Mentally Retarded Persons;

(d) The Declaration on the Rights of Disabled Persons;

(e) The Convention concerning Discrimination in Respect of Employment and Occupation (International Labour Organisation Convention III);

(f) The Convention on the Elimination of All Forms of Racial Discrimination; and

(g) The Convention on the Elimination of All Forms of Discrimination against Women.

9. The functions of the Commission include the following:

(a) To examine legislation and, in certain cases, proposed legislation, to determine whether it conforms with Australia's obligations under the various international instruments within the Commission's jurisdiction;

(b) To inquire into acts or practices in Australia that may be inconsistent with any rights established by these instruments;

(c) Where the Commission and the court consider it appropriate, to intervene in private litigation when issues of human rights arise;

(d) To coordinate research, educational, and other programmes for the purposes of promoting human rights;

(e) To report to the Federal Government, on its own initiative or when requested by the Federal Government, on any action that should be taken by Australia on matters relating to human rights or to comply with Australia's obligations under these international instruments or other instruments declared by the Attorney-General to be "relevant international instruments" for the Commission's purposes; and

(f) In certain circumstances, to receive and conciliate individual complaints of human rights infringements.

10. It may be observed generally that three important principles have emerged in Australia in the development of legislative measures concerning human rights. These are:

(a) That legislation may be required in particular areas to supplement common law guarantees of human rights, and selective remedies may need to be developed for the enforcement of specific human rights;

(b) That formal administrative machinery needs to be established to investigate infringements of human rights and to attempt to achieve a settlement of issues by conciliation; and

(c) That facilities need to be established, on a systematic basis, which foster programmes of education and research and other programmes to promote human rights.

11. The first principle recognizes that legislation is able to deal with specific problems relating to human rights with a particularity and comprehensiveness that could not be achieved through judicial interpretation of common law guarantees alone. It also recognizes that comprehensive embodiment of rights in legislative form has an important educative value in that it can make people more aware of their rights and make infringements of these rights more conspicuous.

12. Apart from their use as an educative mechanism, general legislative guarantees are of little value unless they can be given practical expression. The second principle reflects the view that it is not sufficient to rely merely on legal remedies and judicial review as a means of enforcement. Administrative machinery needs to be established to investigate systematic infringements of rights. Furthermore, the utilization of processes of mediation and conciliation through such machinery is often a more satisfactory way of tackling individual infringements of human rights than reliance on legal processes.

13. The third principle recognizes the important role to be played by programmes of education and research, and other programmes to promote human rights. Such programmes are designed to change community attitudes that result in the denial of rights, and are an important long term supplement to action on individual complaints.

14. The organizations and departments which were consulted in the preparation of this report include the following:

Commonwealth Scientific and Industrial Research Organization

Department of Employment Education and Training

Department of Industry Technology and Commerce

The Australian Heritage Commission

The Department of Immigration Local Government and Ethnic Affairs

Department of the Arts Sports Environment Tourism and Territories

Australian International Development Assistance Bureau

Department of Transport and Communications

Aboriginal and Torres Strait Islander Commission

Department of the Prime Minister and Cabinet

- Office of Multicultural Affairs
- Office for the Status of Women

Human Rights and Equal Opportunity Commission

Australian Taxation Office

Patents Office

The Attorney-General's Department

Department of Industrial Relations

Department of Social Security

The Australia Council

ACT Ministry for Health, Education and the Arts

ACT Department of Education

NSW Department of School Education

Victorian Ministry of Education

Education Department of South Australia

Queensland Department of Education

WA Ministry for Education

Tasmanian Department of Education and the Arts

Northern Territory Department of Education.

15. Copies of the report were distributed to the following organizations:

Human Rights Council of Australia

Aboriginal Legal Service

International Commission of Jurists - Australian Section

Centre for Advanced Legal Studies, Australian National University

H V Evatt Memorial Foundation

Refugee Council of Australia

Australian Human Rights Society

Australian Catholic Social Justice Council

Australian Council for Overseas Aid

Churches Commission on International Affairs

United Nations Association of Australia

Amnesty International Australia

Human Rights Committee - Law Council of Australia.

Copies of the report are also available to members of the public and other organizations on request.

## I. ARTICLE 13: RIGHT TO EDUCATION

### A. Principal laws, administrative regulations, collective agreements, court decisions and other arrangements relevant to the right of everyone to education in its various aspects, as set out in article 13

16. While the Federal Government and all State Governments have legislation to make provision for education, under the Australian Constitution, State Governments have the major responsibility in this area. From 1979, the Government of the Northern Territory also assumed responsibility for education in that Territory. From 1972, the Government of the Australian Capital Territory assumed responsibility for education in that Territory. In addition, Federal Government legislation exists to provide assistance to students and to enable supplementary provision to be made to the States for education at all levels. The main federal legislation for financial assistance to schools is the States Grants (Schools Assistance) Act.

17. A basic principle of the education systems in the Australian States and Territories is that all children be provided with an education between the ages of 6 and 15 (in Tasmania, until 16 years). State and Territory legislation requires that all children between the prescribed ages must attend either a Government or State school, or some other educational programme approved by the Government. Children may be exempted from the requirements of compulsory attendance if they live too far away from school or suffer a physical, intellectual or social disability. Alternative provision is made for these children, by means of correspondence tuition and other forms of distance teaching; Special Education services are provided for children with disabilities. Children with disabilities may attend separate special schools available in the larger centres of population; or special classes or units in regular classes, being withdrawn for periods of assistance by specialist staff. Commonwealth financial assistance is available to geographically isolated children and children with physical or intellectual disabilities which prevent them from living at home and attending school daily.

18. In each State and Territory, a system of government schools at primary and secondary level is provided. Education in these schools is free, although parents are usually expected to pay voluntary fees towards the cost of textbooks and other school equipment, some costs of materials, excursions and other optional activities. Financial assistance is available to low income families for meeting such expenses, and also for transport costs.

19. In each State and Territory there are also non-government schools. An indication of the comparative extent of the provision of these non-government schools is that about one in four Australian children attend such a school at some time in their school life. Systemic Catholic schools have a loose State/Territory organization, but other non-government schools tend to be created and run by their own independent councils, sometimes under the supervision of a larger authority such as a denominational religious body. Fees are charged for attending these schools, although some schools, generally the Catholic schools, waive or reduce fees for low-income families wanting a religiously-based education for their children.

20. Non-government schools operate under conditions determined by government authorities, usually registration boards, in each State and Territory. In most States and Territories, schools cannot be opened or continue to operate until they are registered. Provided they meet certain minimum educational standards, there is no interference in their governance and they are eligible for support from the State and Territory Governments and the Federal Government in the areas of both capital and recurrent expenditure.

21. The secondary school system also provides for students beyond the age of compulsory attendance. These courses normally lead to matriculation qualifications for higher education or for extra requirements for enrolment in technical and further education. There is also an increasing number of transition education courses not oriented to academic qualifications.

22. Higher education institutions in Australia are autonomous bodies established under Acts of the appropriate Parliament. Some States have legislation specifically for the provision of technical and further education, but in other States this is included in the State's basic Education Act which provides for a system of primary and secondary schools. Each State has legislation (sometimes included in its Education Act) for the provision of government pre-schools. The legislation also sets out the conditions governing the licensing of pre-schools conducted by non-government organizations.

23. Education legislation and practice in Australia are based on the principle of equality of access to all levels of education and make no distinction in this regard to gender, race, ethnicity or religion.

24. The principal laws relating to the right of everyone to education in each State and Territory (with the exception of legislation for tertiary institutions) are listed below:

New South Wales

Education Reform Act 1990;

Teaching Services Act 1980;

Technical and Further Education Commission Act 1990;

Board of Adult and Community Education Act 1990;

Child Care and Protection Act 1987;

Higher Education Act 1990.

Victoria

Education Act 1958;

Health Act 1958;

Post-Secondary Education Act 1978; and

Teaching Services Act 1981.

Queensland

Education (General Provisions) Act 1964;

Education (Senior Secondary School Studies) Act 1988;

Rural Training Schools Act 1976;

Grammar Schools Act 1975; and

Education (Student Work Experience) Act 1978.

Western Australia

Education Act 1928;

Secondary Education Authority Act 1984;

Edith Cowan University Act 1984;

Colleges Act 1978; and

Western Australian Post-Secondary Education Commission Act.

South Australia

Education Act 1972;

South Australian College of Advanced Education Act 1982;

Technical and Further Education Act 1976;

Children's Services Act 1985; and

Tertiary Education Act 1979.

Tasmania

Education Act 1932; and

Advanced Education Act 1968.

Australian Capital Territory

Schools Authority Act 1976.

Northern Territory

Education Act.

25. It should be noted that important changes in the sphere of education can be effected through administrative instructions from the appropriate Ministers, without recourse to new legislation. For example, three new non-statutory educational bodies have been established by Cabinet authorization in Tasmania: the Tertiary Education Commission of Tasmania, the State Council for Further Education, and the North West Council for Community Education.

B. Measures taken to promote the full realization of the rights of everyone to education with a view to achieving:

1. The full development of the human personality and the sense of its dignity

26. The State, Territory and Commonwealth Ministers for Education met as the Australian Education Council (AEC) on 14-16 April 1989 and reached agreement on "Ten Common and Agreed Goals for Schooling in Australia" (known as the Hobart Declaration). A summary of these goals is as follows:

(a) To provide an education which develops the full potential of all young people, and which meets the social, cultural and economic needs of the nation;

(b) To enable all students to achieve high standards of learning, and to develop self confidence, optimism, respect for others, and personal excellence;

(c) To promote equality of educational opportunity, and to provide for groups with special learning requirements;

(d) To respond to the current and emerging economic and social needs of the nation, and to provide those skills which will allow students maximum flexibility and adaptability in their future employment and other aspects of life;

(e) To provide a foundation of knowledge and skills for further education and training, and to develop positive attitudes and respect for learning and further education;

(f) To give students access to key areas of knowledge and skills, which will enable them to participate in our democratic society within an international context;

(g) To provide students with an understanding and respect for our cultural heritage, particularly the contributions from Aboriginal and Torres Strait Islander, and ethnic groups;

(h) To provide for the physical development and personal health and fitness of students, and for the creative use of leisure time; and

(i) To provide appropriate career education and knowledge of the world of work, including an understanding of the nature and place of work in our society.

27. These goals are an important starting point for future national collaboration in schooling and will be reflected in curricula in the States and Territories. The Ministers envisaged future development and refinement of these goals in response to the changing needs of the community.

2. The strengthening of respect for human rights and fundamental freedoms

28. The goals of enabling students to participate as informed citizens in our democratic society and of providing students with an understanding and respect for our cultural heritage, including the particular cultural background of Aboriginal and Torres Strait Islander peoples are of particular relevance here. The AEC has commissioned a mapping of the social sciences curriculum to identify points of common strength and to highlight areas for further national curriculum cooperation. In particular, a national audit of curriculum materials and practices in Aboriginal Studies has been initiated.

3. The development of human rights teaching

29. In pursuance of UNESCO objectives relating to human rights teaching, the Australian National Commission for UNESCO continues to support activities in this area.

30. In 1990, Australia participated in the Third Session of the UNESCO Consultative Committee on Education for International Understanding, Cooperation and Peace and Education for Human Rights, in Moscow.

31. During International Literacy Year (1990), a number of conferences at world, regional and subregional levels were held. The first was held at Jontiem, Thailand, in March 1990. From this emerged the World Declaration on Education for All, which attempts to address the rights of all people to a basic education. Australia held a Sub-Regional Conference in Darwin in October 1990 at which a National Plan of Action was discussed.

32. The newly appointed National Commission met for the first time in its three-year term in August 1990. The National Commission's Social Science activities into 1993 will be linked to human rights issues and will aim to maintain the established close links with educators already working in the field.

33. A range of positive initiatives have been taken by schools and education authorities concerning human rights education in the development of curriculum for government and non-government schools, in areas such as non-sexist education, Aboriginal studies and multicultural studies. Human Rights issues are incorporated throughout syllabuses covering Society and Culture, Legal Studies, English, Aboriginal Studies, History and Geography.

34. The Human Rights and Equal Opportunity Commission has worked to increase this activity. The Commission has undertaken a number of projects in cooperation with education authorities. These projects have been aimed at enhancing the abilities of teachers to teach about human rights within the mainstream school curriculum, rather than human rights teaching being regarded as an optional extra.

35. School level projects have been undertaken within the Tasmanian and New South Wales Government school systems. In Tasmania, seven schools each examined a different international human rights instrument and how it relates to the Australian context. In New South Wales, classroom teachers and curriculum specialists were brought together to develop a resource manual on non-sexist education, Aboriginal education and multicultural education, for all primary school teachers in the State.

36. Drawing on the experience of these projects, the Human Rights and Equal Opportunity Commission is presently consulting with education authorities, representatives of non-government schools, and parent and teacher organizations, to determine its policy on further initiatives in human rights education.

### 4. The effective participation of all persons in a free society

37. The expanded federal role in schooling which began in the 1970s continued, through its programmes in the 1980s, to emphasize the need to resolve social and economic inequalities of particular groups. These groups include women (and girls), ethnic and migrant groups, Aboriginal and Torres Strait Islander peoples, those on low incomes, people with disabilities, and those located in isolated areas.

38. As well as continuing programmes for General Recurrent, and Capital, funding for schools (where funding to schools is based on need), the Federal Government maintained a range of Specific Purpose Programmes focusing on particular target groups and key areas of educational need. It also initiated some new programmes with the aim of stimulating development in strategic areas of educational need. The initiatives commenced under these programmes were then able to be developed by State and Territory Education Systems and non-government authorities.

39. The Federal Government also undertook a series of inquiries resulting in major reports and policy statements in a number of key areas. These included the National Policy on the Education of Girls in Australian Schools, the National Aboriginal and Torres Strait Islander Educational Policy, the National Policy on Languages in Australian society, and reports on post-compulsory schooling, the quality of education in Australian schools and improving the professional development of teachers. Since January 1990, the new National Aboriginal and Torres Strait Islander Educational Policy has addressed strategies and funding for increasing Aboriginal access to, and participation in, all sectors of education.

### 5. The promotion of understanding, tolerance and friendship among all nations and all racial ethnic or religious groups

40. As stated previously, the Federal, State and Territory Ministers for Education have stressed the promotion of understanding of cultural differences and tolerance of others as key national goals in education and schooling. These are factors which appear as a universal quality in almost all objectives of syllabuses in Australia. Measures aimed at promoting understanding and tolerance are discussed in subsections 2 and 3 above (paras. 28-36).

41. Programmes designed to promote understanding and friendship between nations include the Equity and Merit Scholarship Scheme and the Sponsored Training Programme. These are discussed in detail in chapter III, section F, paragraphs 460 and 461.

### 6. The furtherance of the activities of the United Nations for the maintenance of peace

42. As a member state of UNESCO, Australia shares a concern that mutual understanding between peoples, respect for human rights, access to education, information and forms of development that are in harmony with human societies and the forces of the natural world, are the foundations upon which a lasting peace may be built. The activities supported by the Australian National Commission for UNESCO in the fields of education, science, culture and communication are directed towards achieving these ends.

43. For some years, the Federal Government has approved financial assistance to the United Nations Association of Australia in support of its community activities. The principal aims of the UNAA include the dissemination of information on the United Nations, particularly in schools, the organization of community activities associated with special United Nations programmes, and arrangement of seminars on matters relating to the United Nations.

## C. Right to primary education

### 1. Measures taken to make free primary education accessible to all

44. Primary education remains compulsory in Australia and is free of instructional fees in all government schools at which about three quarters of the school-age population are enrolled. The Federal Government's objectives for schooling underpin all its school programmes for both primary and secondary schools. The programmes aim to prepare students for life in general and full participation in society, including participation in a skilled and adaptable workforce, by:

(a) Maximizing the general competencies of primary and secondary school students in areas such as literacy, numeracy and inquiry skills;

(b) Improving the participation and achievement of students who are disadvantaged as a consequence of socio-economic circumstances, geographic location, or physical or intellectual disability;

(c) Making schooling more relevant to contemporary circumstances and to Australia's Asian-Pacific location;

(d) Broadening the educational experiences of girls, especially in ways which increase their subsequent education, training and employment options;

(e) Increasing student participation in key subjects (e.g. mathematics, science, languages other than English), especially at the upper secondary level;

(f) Providing better support services and structures (e.g. improved career education and counselling); and

(g) Providing an educational environment that develops self-discipline and respect for the rights of others, is conducive to maximum learning while allowing for different attainment levels depending on ability, and prepares students for the world of work.

45. The Federal Government's objectives also aim to:

(a) Promote equity both within schools and within society in general;

(b) Maximize school retention, especially among those groups which currently have low retention;

(c) Maximize the competence, efficiency and confidence of teachers through in-service teacher education, improved career paths for teachers and other means;

(d) Facilitate the transition of students from primary to secondary schooling, from one school system to another, from schooling to further education and training or employment and to better inform them about the range of options available; and

(e) Provide better feedback on schooling to parents, students, teachers, employers and the general community.

46. In pursuing these objectives, the Federal Government provides assistance to schools through General Recurrent, and Capital grants to government and non-government schools. A variety of specific purpose programmes have been designed to improve the quality of primary education in Australian schools. The Basic Learning in Primary Schools Programme is aimed at enhancing the quality of children's learning in the basic curriculum areas of literacy and mathematics in the early years of primary schooling, and at establishing ways of monitoring student performance and progress in these areas. Programmes such as the Disadvantaged Schools Programme and Country Areas Programme are intended to improve and widen educational participation by children in economically disadvantaged and isolated rural communities. The various elements of the Special Education Programme provide supplementary funding for children with varying degrees of disability in accordance with their abilities and potential. The English as a Second Language Programme assists students speaking English as a second language to develop their English language proficiency. The Ethnic Schools Programme supports the maintenance of community languages.

47. The National Policy on the Education of Girls in Australian Schools has been adopted by all government and major non-government school authorities. It is designed to raise awareness of the educational needs of girls; provide for equal access to, and participation in, an appropriate curriculum; develop a more supportive school environment; and encourage an equitable allocation of resources.

48. The right to a primary education is extended to all Australians, although it is difficult and expensive to provide for scattered, small populations across large distances. For Aboriginal and Torres Strait Islander (ATSI) communities in dispersed, remote communities, schooling is sometimes provided through a visiting teacher who trains one of the parents to teach when he or she is not present.

49. In these communities, schooling participation rates and outcome rates are usually lower than in other schools, particularly when language differences impede classroom communication. In some ATSI communities in the Northern Territory, bilingual education is provided in which the child learns first in his or her own language, and then transfers into English, as the necessary language required for full participation in Australian society.

50. The National Aboriginal and Torres Strait Islander Educational Policy is an agreement by all State and Territory Governments with the Commonwealth to move towards educational equity for ATSI Australians. It provides an agreed legislative framework within which Commonwealth Government funds are used to assist education providers with supplementary resources necessary to reach the National Policy objectives.

### 2. Factors and difficulties affecting the degree of realization of this right and progress achieved

51. Of particular concern are those children moving between State education systems when their parents transfer interstate. The Australian Education Council has agreed to minimize the differences encountered between systems through cooperative curriculum development and through investigation of nationally consistent handwriting styles and school starting ages. Both of these matters are currently in progress through the development of National Curriculum Statements and Profiles.

52. Efforts are continuing to meet the needs of special groups who do not attend neighbourhood government primary schools. Special educational programmes are being developed to meet the needs of children with severe physical or intellectual disability who live in residential institutions.

53. There are also difficulties in providing education services to isolated Aboriginal and Torres Strait Islander communities, particularly those family groups or clans which have moved away from larger communities to return to their traditional lands. The National Aboriginal and Torres Strait Islander Educational Policy endeavours to address the educational needs of all Aboriginal people and Torres Strait Islander people, including those living in remote communities.

## D. Right to secondary education

### 1. Measures aimed at making secondary education in its different forms generally available and accessible to everyone

54. School attendance is compulsory throughout Australia for children between the ages of 6 and 15 (except in Tasmania where it is extended to 16). One of the Federal Government's primary goals in education has been to raise the

level of retention of the number of students completing a full secondary education or training. The national target of 65 per cent retention for the 1990s is likely to be reached through a number of Government initiatives designed to encourage students to stay on at school. These include the General Recurrent, Capital Grants and Specific Purpose Programmes mentioned earlier. In addition, certain programmes such as the Students at Risk Programme, aim to encourage young people to participate in education or training, particularly those in groups least likely to continue.

55. The Australian Education Council has recently received a report entitled The Finn Review, which deals with post-compulsory schooling. Among its many recommendations is a commitment to have 95 per cent of young Australians directly engaged in education within schools and technical colleges, or in combinations of work and training. Regardless of the context within which this education is provided, all students will be expected to acquire "essential competencies" in the following areas: language and communication, mathematics, scientific and technological understanding, cultural understanding, problem solving, and personal and interpersonal areas.

56. These measures are supported by financial assistance from the Federal Government to students and families to reduce the financial disincentives to study. The AUSTUDY programme provides income assistance to full-time secondary students aged 16 and over from low income families, and to homeless students who have reached minimum school leaving age. Maximum rates for students are aligned to the Job Search Allowance rates received by unemployed young people of the same age. The Assistance for Isolated Children Scheme assists primary and secondary students who are unable to attend a local school because of their geographical isolation or because they have a disability. Assistance is provided as boarding, second home or correspondence allowances. Higher rates are available to families who meet test criteria.

57. For Aboriginal and Torres Strait Islander students, the national target of 65 per cent retention for the 1990s is more difficult to attain, as approximately only 22 per cent of ATSI students reached Year 12 in 1989. Federal/State collaboration has resulted in programmes to support increased Year 12 retention by funding support groups, conferences and excursions. Income assistance is available through ABSTUDY (see subsection 4 below, paras. 65-66). The Aboriginal and Torres Strait Islander Tutorial Assistance Scheme and the Aboriginal and Torres Strait Islander Student Support and Parent Awareness Programme both have the potential to increase the participation rates and outcomes for Aboriginal and Torres Strait Islander students. In New South Wales, the introduction of an ATSI studies Year 11-12 syllabus has attracted many ATSI and non-ATSI students and encouraged greater ATSI community participation in the schooling process.

58. Apart from Aboriginal and Torres Strait Islander students, the highest correlation with low retention rates is to be found with low socio-economic status, although this varies somewhat in respect of ethnic and geographic factors. Since 1974, the Federal Government has provided a $50 million Disadvantaged Schools Programme targeted on the 16 per cent most poverty stricken neighbourhood schools. The Commonwealth continues to negotiate with

the States for better levels of basic resource provision through General Recurrent Grants to be provided differentially to schools serving low socio-economic status localities.

2. Measures aimed at making technical and vocational secondary education available and accessible to everyone

59. Most Australian secondary schools offer a comprehensive programme of studies. In Victoria, the only State with a significant number of secondary technical schools, these schools offer a comprehensive programme, but also provide a wide range of technical and practical subjects, taught by teachers who generally have industrial or commercial experience. These schools maintain close links with TAFE institutions. In all States and Territories, students have the opportunity to enter a TAFE institution after Year 10.

60. In most States, a number of measures have been implemented to increase access to technology, applied and vocational studies for all students. In New South Wales, all students in State schools in years 7 and 8 undertake 200 hours of compulsory study in Design and Technology. Students in years 11 and 12 may undertake joint school/TAFE courses which give them advanced standing in TAFE certificate courses. Technology High Schools have been established to provide courses with an emphasis on technology across the curriculum. These schools are closely linked with business and industry.

3. Plans and legal provisions adopted or proposed in order to achieve the progressive introduction of free secondary education for all, with reference to problems encountered therein

61. Secondary education in government schools is free of instructional fees. About 64 per cent of Australian students now proceed to the senior secondary level to complete a full 12 years of education.

4. Factors and Difficulties affecting the degree of realization of this right

62. The overwhelming correlation between schooling outcomes and socio-economic status is acknowledged by the Federal Government and some States and reflected in some of the programmes. The Federal Government is conscious of the need to continue efforts to ensure necessary general recurrent resources are provided differentially with a view to improving the educational outcomes of those who have traditionally gained least rewards from schooling.

63. To achieve this objective, the Federal Government and the governments of the States and Territories will need to cooperate more fully to ensure that schools serving the lower half of the socio-economic spectrum, Aboriginal and Torres Strait Islander communities and recently immigrant communities are provided with significantly smaller class sizes, library and ancillary staffing, specialist teachers and community liaison personnel. Supplementary grants in the form of special programmes continue to be supported with a view

to assisting schools to identify barriers to good practice and, in collaboration with the schools' communities, devise action-research programmes designed to effect whole school change.

64. The Federal Government is particularly concerned to raise the level of mathematical, scientific and technological expertise throughout Australia. As a step towards further national curriculum cooperation, the mapping of the mathematics curriculum (now completed), and science and technology curricula (in final draft) will provide statements of the skills which should be available to all Australian students in these subjects. Specific initiatives are in place to raise the participation of girls in scientific and mathematical subjects at school. In New South Wales, 73 schools are presently participating in "Encouraging Girls into Technology Projects", which have proved so popular that they will be expanded into many more schools in 1992.

65. The participation of Aboriginal and Torres Strait Islander (ATSI) children in the Australian education system beyond the compulsory years is also an area of considerable concern. The social and economic disadvantages which this section of the population has experienced, together with Western-oriented education systems and curricula often inappropriate to its needs, have resulted in relatively few Aboriginal and Torres Strait Islander children continuing in the education system beyond the compulsory period. A greater recognition of these factors by the Federal Government and State and Territory Governments has led to a variety of special educational provisions since the late 1960s, and significant progress in developing more appropriate educational programmes has occurred. An important programme response has been the provision of income support for ATSI students through the Aboriginal and Torres Strait Islander Study Assistance Scheme (ABSTUDY).

66. ABSTUDY represents a major component of the Government's commitment to encourage Aboriginals and Torres Strait Islanders to take full advantage of the educational opportunities available to other Australians. It provides income support to all eligible Aboriginal and Torres Strait Islander students undertaking an approved course of study at secondary or tertiary level. Living allowances for full-time students, either living at home or boarding away, are subject to an income test. To be eligible for ABSTUDY, applicants must be full-time students at an approved secondary school or college, or be 14 years of age and attend primary school regularly, or have undertaken approved post-school study, either part-time or full-time. ABSTUDY income support is subject to income testing similar to AUSTUDY. Income-tested allowances (which are linked to the Australian Consumer Price Index) include an education supplement of $520 per annum paid to secondary students under 16 years of age.

## E. Right to higher education

### 1. General and specific measures taken to make higher education equally accessible to all, on the basis of capacity

67. Post-secondary institutions in Australia cover the full range of education needs and interests. These institutions comprise higher education institutions and technical and further education (TAFE) colleges.

68. There are higher education and TAFE institutions in each of the six States, the Australian Capital Territory and the Northern Territory. As will be explained below, access to higher education is also provided through external studies courses to students resident in any State or Territory. Occasionally, desirable or compulsory attendance at summer schools, vacation or weekend courses may represent a practical barrier to access.

69. Over the period 1982-1989, there was a significant rise in demand for higher education in Australia, resulting in both increasing rates of participation and the creation of a pool of unsatisfied demand which had not previously existed in this country. The following table, taken from a report of the Department of Employment, Education and Training, entitled Education Participation Rates Australia 1989, shows the significant rise in higher education participation among young people over this period.

Participation in Higher Education by Young People,
Australia, 1982-89
(per thousand of relevant population cohort)

| Year | 17-19 Year Olds | 20-24 Year Olds |
|---|---|---|
| 1982 | 96 | 86 |
| 1983 | 100 | 88 |
| 1984 | 103 | 89 |
| 1985 | 109 | 91 |
| 1986 | 114 | 95 |
| 1987 | 125 | 97 |
| 1988 | 131 | 103 |
| 1989 | 136 | 112 |

70. One factor in the rise since 1985 has been a decision to transfer the education and training of nurses from the hospital system to the higher education system. This transfer is still in process, and is due to be completed by the end of 1993.

71. Since 1983, there has been clear evidence that not all qualified Australians seriously seeking a place in higher education have been able to obtain one. This has resulted, in part, from a more positive attitude towards higher education among young people, and a 60 per cent increase in the number of young people completing a full secondary education. The current level of unsatisfied demand for entry to higher education was estimated by the Australian Vice-Chancellor's Committee at between 13,000 and 20,000 annually.

72. The Federal Government has both fostered and responded to this upsurge in demand. It has provided funds to support a significant expansion in the number of places available, and committed itself to furthering growth over the 1990-1992 triennium. As a result, it is estimated that the total number of places in higher education in Australia will have risen by around 150,000 or 60 per cent between 1983 and 1992.

73. Such a dramatic expansion was made possible, in part, by the introduction of the Higher Education Contribution Scheme in 1989, under which students

contribute to the costs of their higher education, either during or after the course of their studies (see subsection 2 below, paras. 81-83).

74. Enrolments in technical and further education have increased steadily since 1983, with over 1.2 million students enrolled in 1990. Approximately 91 per cent of enrolments are part-time, with 47 per cent of all students being women.

75. Unmet demand in TAFE has been calculated in 1990 at 100,000. This will grow with training demands arising from industry award restructuring and technological change, and with increased training for the long-term unemployed and people with disabilities in the next five years.

76. National coordinated action is under way to raise the level of training provided by industry and to develop a cooperative approach to improving the efficiency and effectiveness of TAFE systems to meet increased training demands from both industry and the community.

77. TAFE system action to increase access includes the development of alternative delivery mechanisms and support to industry to provide training, combined with the development of a more corporate approach to TAFE management and organization.

78. Already most TAFE systems operate external study facilities, and more than half of the 215 major TAFE institutions are located in non-metropolitan areas.

79. In approximately 30 locations throughout Australia, higher education institutions provide extended campus operations. This usually involves institutions offering the first one or two years of selected programmes in regional centres. This is often facilitated by cooperation with local TAFE colleges or adult community education groups.

80. Other specific measures adopted to increase access are noted in subsection 3 below (paras. 84-104) where difficulties encountered in making higher education accessible to all are discussed.

### 2. Practical steps taken to provide financial and other assistance to students in higher education, including measures directed at the progressive introduction of free higher education

81. In 1974, the Federal Government abolished tuition fees for higher education. Fees were still levied, however, for some continuing education courses and general interest adult education programmes.

82. At the beginning of 1989, the Government introduced the Higher Education Contribution Scheme (HECS) to help finance the expansion and development of the higher education system. The Scheme was carefully devised to obtain a financial contribution from students, without deterring them from pursuing their education. Under the Scheme, students are not required to make any contribution until they can afford it, that is, when their annual taxable income reaches a minimum level. (For the 1990-91 financial year, this level

is $25,469.) The rate of repayment for income earned in 1990-91 will be 2 per cent, 3 per cent or 4 per cent of taxable income, depending upon the level of an individual's taxable income.

83. The following forms of assistance are available to students in higher education:

(a) ABSTUDY, discussed above in section D, subsection 4 (paras. 65-66);

(b) AUSTUDY, which in 1987 replaced the Secondary Allowance, the Adult Secondary Education Allowance and Tertiary Education Assistance Schemes; provides a means-tested allowance to students who are 16 years of age and over. It also provides an allowance to homeless students who have reached minimum school leaving age. Students must be undertaking approved full-time secondary or tertiary studies. An independent body, the Student Assistance Review Tribunal (SART), considers appeals against decisions on applications for AUSTUDY. It was established and operates under the Student Assistance Act 1983 (Cwlth);

(c) The Assistance for Isolated Children (AIC) scheme gives financial help to families of primary and secondary school children who must live away from home to attend school, study by correspondence, or live in a second family home. This may be due to either geographic isolation, or disability. A higher rate of assistance is available to families who meet means-test criteria. Unlike AUSTUDY, AIC does not have an appeal system. The numbers of students receiving financial assistance are detailed in section H below (paras. 137-139).

### 3. Factors and difficulties related to making higher education equally accessible to all, including, and in particular, problems of discrimination

84. Education legislation and practice in Australia are based on the principle of equality of access to all levels of education and makes no distinction in this regard to gender, race, ethnicity or religion. It is, however, recognized that certain groups within Australian society experience relative social and economic inequalities. For a number of years, considerable efforts have been made to increase participation by such groups.

85. In 1984, in its Guidelines to the Commonwealth Tertiary Education Commission, the Federal Government asked that the Commission bring forward recommendations proposing ways of achieving rapid, substantial and sustained reductions in the mismatch between the composition of society and the social composition of tertiary institutions, individual faculties and the tertiary sector as a whole. The groups and areas designated as disadvantaged in their access to tertiary education were: Aboriginals and Torres Strait Islanders, low income earners, migrants and ethnic groups, women, people with disabilities and residents of outer metropolitan areas where there are large populations with relatively little access to higher education. The Commission recommended two main measures to improve access to higher education: growth in those institutions located in outer metropolitan areas and regions of

greatest need, and more open access to the more established metropolitan universities, especially those with professional courses such as law and medicine.

86. In 1985, the Federal Government established the Equity Programme to pilot innovative, action-oriented projects in higher education institutions in order to increase participation by the following designated disadvantaged groups:

(a) People from socio-economically disadvantaged areas;

(b) People of Aboriginal and Torres Strait Islander descent;

(c) Women;

(d) People from non-English-speaking backgrounds; and

(e) People with disabilities.

87. Funding of $1 million per year was provided for the Programme which was to be administered by the Commonwealth Tertiary Education Commission (CTEC).

88. The Government also established the Aboriginal Participation Initiative, which provided additional earmarked places for Aboriginal students in higher education. The National Aboriginal and Torres Strait Islander Policy provides funding for supplementary support programmes for Aboriginal and Torres Strait Islander students in higher education.

89. From 1985 to 1987, over $3 million was provided to higher education institutions through the Equity Programme for eighty-two different projects designed to increase access to and successful participation in higher education by disadvantaged groups. Over this period, the Commission also encouraged institutions to introduce special admission arrangements for disadvantaged students and supplementary support initiatives to ensure their successful completion of courses. A report on bridging and supplementary programmes in higher education undertaken in 1988 found that there was a range of different bridging and supplementary programmes currently operating in higher education, and that the majority of institutions were now operating such programmes. In addition, the Federal Government increased provision of higher education in outer metropolitan areas, particularly in those areas with high concentrations of disadvantaged groups in their populations.

90. In 1987, the Federal Government's Green Paper on higher education reviewed the performance of the higher education sector and recommended changes to ensure increased equity of access by all sectors of the Australian community. The Green Paper recognized the need for all sectors of Australian society to have access to the skills and qualifications gained through higher education. This was seen as necessary for Australia to prosper socially, culturally and economically.

91. The response contained in the subsequent White Paper, Higher Education: A Policy Statement, set out new directions for equity in higher education for the following triennium. One of the touchstones of the Federal Government's new equity strategy was increased growth in higher education. The CTEC's

Triennial Report for 1985-1987 had stated that one of the necessary conditions for equity in higher education was increased growth in the system. However, the paper recognized that while growth would facilitate the achievement of greater equity, it would not be sufficient. To complement the growth policy, the Federal Government set out a three-pronged equity strategy. It involved:

(a) The development of a coordinated national approach to achieving equity objectives in higher education;

(b) The promotion of equity objectives as an integral part of institutional planning, monitoring and review; and

(c) Encouraging a climate of innovation and experimentation, and the application of proven approaches towards achieving equity goals.

92. To achieve these equity objectives, the Government outlined a number of measures. These included:

(a) The development of a coherent overview of equity problems, current initiatives and gaps in provision, as a basis for development of institutional strategies;

(b) Creating an environment in which institutional managers can identify, implement and monitor progress in the achievement of specific institutional equity goals; and

(c) Specific purpose programmes to provide additional funds in recognition of the relatively high initial costs of equity programmes, and to deal with equity problems that are more effectively handled on a national basis.

93. As part of the reforms introduced in the White Paper, each higher education institution is required to develop an educational profile as a basis for planning and funding agreements, between the Federal Government and the institution. An integral part of this profile is an articulation of the institution's equity goals, strategies, priorities and measures of performance.

94. The Federal Government has also continued and expanded targeted programmes to create an environment in which institutions can fulfil their equity responsibilities. In 1989, funding for the Equity Programme was increased to $3.5m per year and the programme was expanded to incorporate three elements:

(a) Pilot Initiatives which provide funding for innovative, action-oriented pilot projects which increase participation by disadvantaged groups;

(b) Mainstream Initiatives which provide funding to integrate successful pilot initiatives into the mainstream structures of higher education institutions; and

(c) Child Care funding to assist disadvantaged students to obtain child care.

95. In addition, in 1990 the Government released a statement entitled: A Fair Chance for All: Higher Education That's Within Everyone's Reach. The paper sets out a national plan for equity in higher education. The document:

(a) Defines the overall national equity objective for higher education;

(b) Sets national equity objectives and targets for each of the groups identified as disadvantaged in gaining access to higher education;

(c) Outlines a range of strategies for each disadvantaged group, to assist institutions in their planning; and

(d) Outlines both the government and institutional responsibilities in achieving national equity objectives.

96. The forms of assistance available to students in higher education are described above in section D, subsection 4 (paras. 62-66) and in subsection 2 above (paras. 81-83). However, it should be noted that both AUSTUDY and ABSTUDY are structured to assist students from disadvantaged sectors of the population. The availability of AUSTUDY is normally subject to student and spouse and/or parent income and assets tests to ensure that the funds available are targeted to the most needy. Special provisions ensure that Commonwealth pensioners and beneficiaries are not financially disadvantaged in transferring from social security assistance to full-time study. Other provisions help accommodate the needs of sole parents and students with disabilities.

97. Higher education institutions now submit equity plans and Aboriginal and Torres Strait Islander education strategies as part of their educational profiles on which Commonwealth funding is determined. Equity programme funding and funding for ATSI participation in higher education is now linked to targets set in these documents.

98. Over the period 1983 to 1992, there have been significant changes in patterns of participation in higher education by disadvantaged groups so that:

(a) Female students now represent over 50 per cent of the total student population, although they continue to be under-represented at the higher degree level and in science/technology courses;

(b) The number of Aboriginal and Torres Strait Islander students has more than tripled since 1982 to 3,600 enrolments in 1990, although this is still only 0.7 per cent of the total Australian student population; and

(c) There has been a significant increase in the proportion of teenage students.

99. Research findings show that higher education students are more likely to come from higher socio-economic backgrounds. A sizeable part of the

socio-economic imbalance in higher education has its roots at the secondary level, with fewer persons from low socio-economic backgrounds completing a full secondary education.

100. There are no comprehensive statistics available at present on the participation in higher education of students from non-English-speaking backgrounds (NESB). However, in 1989 the Department of Employment, Education and Training commenced collecting data on students' country of birth, year of arrival, and language spoken at home. Research suggests that not all NESB groups are under-represented in higher education but that certain groups from parts of Europe, the Middle East and South-East Asia are significantly disadvantaged.

101. It appears that people with disabilities are still significantly under-represented in higher education. While no data is collected by the Commonwealth, a survey commissioned in 1985 found that only 0.17 per cent of people with disabilities were attending post-secondary institutions. There is clearly a need to carry out further research and address the problems facing people with disabilities, and their access to higher education.

102. ATSI education needs have been addressed in a number of reports in recent years, all of which have been based on extensive consultation with ATSI people. The findings of all those reports were drawn together in 1988 by the Federal Government, establishing an Aboriginal and Torres Strait Islander Education Policy Taskforce. The Taskforce found that ATSI peoples are the most educationally disadvantaged group in Australia.

103. The National Aboriginal and Torres Strait Islander Education Policy (ATSIEP) has adopted a cooperative strategic approach to improve the coordination of education delivery and the cost-effectiveness of Commonwealth and State/Territory expenditures on ATSI education.

104. The ATSIEP is premised on 21 national goals to enable the achievement of broad equity between ATSI peoples and other Australians in access, participation and outcomes; in all forms of education, by the turn of the century. ATSI peoples will be involved throughout the processes of education decision-making.

## F. Right to fundamental education

### 1. General and specific measures taken to encourage and intensify fundamental education for persons who have not received or completed the whole period of their primary education, for example details of adult literacy programmes

105. Because of the long history of compulsory schooling in Australia, the number of persons who have not received or completed the whole period of their primary education is comparatively low. Those who have not received or completed primary education are mainly migrants who have spent the age of primary schooling in other countries. Some Australian Aboriginals and Torres Strait Islanders have also not received or completed the whole period of their primary education. It is recognized, however, that a significant problem has

arisen amongst some adults living in Australia who, for a variety of reasons, have been unable to take full advantage of provisions for fundamental education during the period of their primary education. This has shown up most clearly in problems of adult literacy and numeracy. The 1976 census identified about 360,000 Australians who were unable to speak English well, or at all.

106. In 1976, the Australian Council for Adult Literacy was formed to contribute to the development of adult literacy by promoting cooperation among interested organizations. These organizations are both government and non-governmental, and undertake and encourage appropriate study, research and action. The major functions of the Australian Council for Adult Literacy are to provide an information service, to produce publications - a newsletter and an annual literacy review - and to organize an annual conference. The papers presented at the conferences are also published.

107. The Federal Government is currently undertaking a wide ranging review of literacy and language problems which will lead to the adoption of an Australian Literacy and Language Policy. Key literacy issues to be examined include: improving the quality and quantity of literacy education for adults and children; teacher training and curriculum support; literacy evaluation and assessment; coordination of services, including the need to maintain links with State agencies, industry and the community in order to provide literacy services and resourcing.

108. The House of Representatives Standing Committee on Employment, Education and Training is currently holding an inquiry into workplace literacy.

109. On 8 September 1990, (International Literacy Day), the Federal Government announced a $40 million package of initiatives to extend over three years, which will continue the work begun in International Literacy Year.

110. The Adult Migrant English Programme (AMEP) is a national programme funded through the Federal Department of Immigration, Local Government and Ethnic Affairs, and delivered largely by State agencies. The Federal Government's role is to plan, fund and coordinate the programme around Australia, while the States and Territories are responsible for detailed implementation and management of service delivery, through the Adult Migrant Education Service in each State and Territory. Nine tertiary institutions are funded to provide courses for migrants requiring more advanced English to enable them to practise their professions or undertake tertiary studies in Australia.

111. The objective of the Adult Migrant English Programme (AMEP) is to provide opportunities for migrants and refugees from non-English-speaking backgrounds to learn English appropriate to their particular circumstances and needs, and to learn about Australia, its society and services.

112. The AMEP provides full and part-time courses, part-time evening classes, community day classes, courses-in-industry, vocationally oriented courses, special intensive courses for professionally qualified people, the Home Tutor Scheme, individual learning (or self-access) centres, and correspondence courses.

113. Priority for placement in the AMEP is given to migrants in their first five years of settlement. However, allowance has been made for migrants, particularly women, with a period of residence greater than five years, who were prevented from attending courses earlier due to family responsibilities. To encourage as many migrants as possible to participate in English lessons, the AMEP provides free child care where necessary. Language needs of longer term migrants with vocational objectives are the responsibility under access and equity principles, of labour market training programmes. Those longer term residents with more generalized language needs have access to language training in State-funded basic adult education programmes.

114. Since 1989, the Department for Immigration, Local Government and Ethnic Affairs has initiated a number of reviews and implemented measures aimed at improving the overall effectiveness and efficiency of the programme. These reviews have now been completed and the outcomes are as follows:

(a) English in the Workplace (EWP): The review of the English in the Workplace Programme has shown that the programme has focused on the needs of industry and its aims and objectives no longer fit precisely into an on-arrival settlement focus. The Department of Immigration, Local Government and Ethnic Affairs and the Department of Employment, Education and Training have decided to jointly manage the workplace English language and literacy programmes;

(b) Individual Learning Centres (ILCs): ILCs are effective amongst students who persist with individual study, in that self-confidence is strengthened while students acquire some of the language skills that they need to achieve their goals. The marketing and accessibility of ILCs to the local community need attention;

(c) AMEP Client Survey: A survey of AMEP clients showed that the vast majority of AMEP clients are highly satisfied with the teaching provided and want to attend more courses;

(d) Education Placement and Referral Services (EPRS) in the AMEP: The report proposed a range of models of good practice developed at State and local levels. The primary value of the report was that it led to the improvement of those service providers where EPRS practices were less than than desired. It also enabled a training kit to be developed, and has led to a series of assessment and learner pathways projects across the programme;

(e) Tutor Support Schemes (TSSs): The review team concluded that the primary function of the TSSs of the AMEP is to help migrants learn English, rather than to operate as a welfare service. The key recommendation in the report was that the TSS should be resourced as an equally valued Learning Arrangement within the AMEP as one of the main outcomes is the development of confidence in learning English resulting in placement in a formal course when the students circumstances permitted;

(f) National Management Information Unit (NMIU): The NMIU was established in 1989 to monitor AMEP performance and progress towards AMEP goals. The focus of the current workplan is to analyse national data to

improve consistency of data reporting, assist AMEP allocative processes and measure achievement of performance targets. Some of the key findings in the Units analysis of 1990 data are:

(i) Reach: using 1989/90 Settler arrival data, more than 84 per cent of migrants with language need had enrolled in the AMEP by mid-1991. Comparable estimate for 1988/89 arrivals was only 70 per cent;

(ii) Language gains: the analysis revealed that two thirds of those enrolled in 1990 had recorded gain, but those yet to record a gain had fewer formal activities and had fewer actual hours. In other words, they had only just enrolled. Almost 80 per cent of those with little or no English had recorded a gain;

(g) National Centre for English Language Training and Research (NCELTR): NCELTR was established in early 1989 as a key centre for teaching and research. The role of NCELTR is to provide leadership in the form of advice, support and expertise on all professional matters throughout the AMEP, and to the Centre's other clients.

2. Factors and difficulties affecting the implementation of this right, including information on specific and disadvantaged groups, particularly in rural areas, for which appropriate measures have not yet been fully implemented

115. Problems of literacy and numeracy are far more serious for Aboriginals and Torres Strait Islanders than for other sections of the adult population. The majority of Aboriginal and Torres Strait Islander adults today have not had full access to primary and secondary education opportunities. These opportunities would have enabled them to gain the academic and technological skills provided by normal courses at technical and further education level. In the case of those people living in remote communities, contact with European-type education has occurred within their adult years. Under past policies, when Aboriginals and Torres Strait Islanders were confined to reserves and missions, only the most basic educational services were provided in these communities. This legacy has resulted in the educational needs of Aboriginal and Torres Strait Islander adults being of an entirely different dimension to those of the rest of the Australian community.

116. The literacy problems and needs of tradition-oriented Aboriginals who have had little experience in the use of the English language are obviously different in many ways from those of urban and fringe people with no remaining traditional language and who use forms of Aboriginal or non-standard English. A variety of approaches is obviously necessary to determine what constitutes functional literacy for different Aboriginal communities and to mount programmes which satisfactorily meet their needs.

117. There is now considerable demand from Aboriginal and Torres Strait Islander adults to enter general education programmes which include the teaching of literacy and numeracy and which will lead to opportunities for

further education, improved work opportunities and increased skills levels of Aboriginal and Torres Strait Islander peoples.

### 3. Statistical data showing the evolution in the realization of the right to fundamental education

118. The Federal Government's Interdepartmental Working Party on Adult Literacy and Numeracy reported in 1979 that assessment of the literacy or numeracy level of the population was difficult, especially if the concept of "functional literacy" was employed, because measurement of skills ranged along a continuum is required. A major difficulty is that adults are often hesitant to come forward and admit these inadequacies.

119. Until at least the 1960s, international statistics suggested that the literacy rate in Australia was 100 per cent. However, an extensive national survey of adult literacy entitled: No Single Measure, (Ms. Rosie Wickert, 1989), conducted as part of the Adult Literacy Action Campaign, estimated functional illiteracy of the adult Australian population at between 10 and 20 per cent. This means that more than one million adults in Australia cannot read and write well enough to function adequately in Australian society. Only 28,000 are currently enrolled in adult literacy programmes.

120. It is wrong to assume that the majority of adults with literacy problems are from non-English-speaking backgrounds. Factors such as low socio-economic status, low levels of schooling, and poor health are more common indicators of low levels of literacy among all adult Australians.

121. One of the objectives of the Australian Council for Adult Literacy is to promote and undertake research to ascertain the levels of knowledge and competencies necessary for adequate standards of literacy.

122. The table below indicates an estimate of the number of participants and annual expenditure in the AMEP from 1987 onwards.

| Year | Participants | Expenditure |
|---|---|---|
| 1987/88 | 71,600 | $58.592m |
| 1988/89 | 70,000 | $59.726m |
| 1989/90 | 70,500 | $72.812m |

(Participant figures are approximations based on data extracted from the AMEP Information System and manual statistics).

## G. Development of a system of schools

### 1. Principal laws, administrative regulations and collective agreements designed to promote the development of a system of schools at all levels

123. Each State and Territory has responsibility for the provision of school-level education. The principal laws relating to the development of a system of schools are detailed above in section A (paras. 16-25). The structure of school level education varies from State to State for a variety

of historic and administrative reasons. The Federal Government has been working with the State and Territory Governments to promote national consistency in school education, particularly in the crucial areas of curriculum and assessment. Ministers have already agreed to work towards overcoming unnecessary differences in school starting ages and handwriting styles. About 73 per cent of students attend government schools.

124. In each State and Territory, there is also a variety of non-government schools. The majority of these are Catholic schools, run by diocesan authorities. There are also schools conducted by other religious denominations and other community groups, such as those following the Steiner and Montessori educational philosophies.

2. Comprehensive schemes and practical measures taken to develop a system of schools, such as the provision of finance, the building of schools and the provision of educational material

125. The State Governments provide about 90 per cent of the funding for government schools, with the Federal Government contributing about 10 per cent. The Federal Government is a major provider of funds to non-government schools; these account for about 55 per cent of the Federal Government's expenditure on schools.

126. Federal Government funding for schools amounts to about $2 billion annually, the majority of funds being expended through the General Recurrent Grants Programme. Government schools are funded on a fixed per capita basis while non-government schools are divided into twelve funding categories and receive a level of assistance commensurate with their financial need.

127. The resources of the State Governments and non-government education authorities are also supplemented by the Commonwealth Capital Grants Programme and by a series of specific purpose programmes designed to address specific areas of educational disadvantage. These include: the Disadvantaged Schools Programme, which is aimed at alleviating educational disadvantage arising from low socio-economic levels; the Country Areas Programme which is designed to improve educational outcomes for isolated students; the English as a Second Language Programme which provides services for students from non-English-speaking backgrounds; and the Special Education Programme which supplements services for children with disabilities.

128. The prime responsibility for the construction of school buildings rests with the State Governments and non-government education authorities. The Federal Government provides additional funds to supplement the efforts of these authorities with the specific aim of improving educational outcomes in schools catering for students from low socio-economic backgrounds. Specific programme elements provide funds for facilities for children with disabilities and support the construction of rural hostels to assist isolated children in completing their secondary education.

129. The provision of education materials is the responsibility of State and Territory Governments and non-government school authorities. However, a fundamental difficulty in the development of a nationally consistent curriculum framework has been the absence of a mechanism through which

curriculum principles and their application can be developed and implemented. A jointly-owned company of the Federal Government and State Governments (except NSW) has been established to facilitate greater efficiency and effectiveness in curriculum development and dissemination through sharing of knowledge and resources.

### 3. Statistical and other comparative data relating to the development of a system of schools at all levels

130. The National Report on Schooling in Australia - Statistical Annex which is annexed to this Report, provides detailed statistical analysis of the Australian schooling system. The figures and tables in the statistical annex detail the structure of Australian schooling, enrolments, retention and school leavers, resource distribution and management, curriculum, staff and the quality of teaching.

131. In July 1990, there were 10,007 schools in Australia. Of these, 7,490 (74.8 per cent) were government schools and 2,517 (25.2 per cent) non-government schools. The number of full-time students totalled 3,041,657, comprising 2,193,347 (72.1 per cent) in government schools and 848,310 (27.9 per cent) in non-government schools. The National Schools Statistics Collection established through the work of the Australian Education Council Statistics Committee collects a range of statistics on schools.

### 4. Factors involved and difficulties encountered

132. As indicated above, efforts are being made to reduce unnecessary differences between systems. Moves towards greater national consistency will be facilitated by the production of an annual national report on schooling which will inform the Federal Parliament and the general public about the achievements of Australian schools. The report will include information on school curriculum, participation and retention rates, student achievements, the application of financial resources in schools, and other topics of national interest.

133. The Federal Government has also been working cooperatively with the State and Territory Governments in the area of careers education and in promoting improved schools/TAFE links. These are important in the context of rapidly increasing retention rates in Year 11 and 12. Currently, Australia's retention rate stands at 64 per cent, an increase of around 30 percentage points since 1980. The Federal Government and the State and Territory Governments have also been working together to improve the further education and training opportunities and employment prospects of a more diverse senior secondary school population.

134. Initial consideration has been given by Ministers to a common approach to assessment. A report has been prepared for the Australian Education Council which documents relevant State and Territory initiatives and outlines possible common approaches to the assessment of literacy and numeracy. Further work will now be undertaken by the Australian Cooperative Assessment Programme (ACAP), initially in literacy and numeracy and, as resources permit, science.

## H. Establishment of an adequate fellowship system

### 1. Principal laws, administrative regulations and collective agreements designed to establish an adequate fellowship system for all types of education

135. Scholarships, fellowships and grants for educational purposes are provided in Australia by governments, tertiary institutions, colleges and schools, business houses and individuals, but the major responsibility for establishing and maintaining a comprehensive system of assistance has been assumed by the Federal Government.

136. These systems of assistance are discussed above in section E, subsection 2 (paras. 81-83). Some examples of more specialized scholarships and schemes are discussed below in chapter III, section F (paras. 450-489). report.

### 2. Measures taken or proposed, including reference to programmes of affirmative action designed to overcome obstacles such as all forms of discrimination or poverty

137. The various educational awards administered by the Federal Government are outlined at Table One, Annex A of this Report.

138. In addition to the normal student assistance schemes described in the above tables, the Federal Government pays living allowances to people undertaking special education programmes. For example, a living allowance is paid under the Adult Migrant Education Programmes for adults undertaking a full-time English language course.

139. Allowance levels are reviewed annually and periodically adjusted to take account of movements in costs. For instance, allowances for all categories of students under AUSTUDY were raised in 1990 in line with movements in the Consumer Price Index, while those for young homeless students aged 16-17, and for other students of this age who lived away from home or are independent, rose by $7.50 per week over and above this indexation increase.

### 3. Factors involved and difficulties encountered

140. Factors involved in making higher education equally accessible to all are discussed above in section E, subsection 3 (paras. 84-104).

## I. Improvement of the material conditions of teaching staff

### 1. Principal laws, administrative regulations and collective agreements and other types of arrangements designed to continuously improve the material conditions of teaching staff

141. The employment conditions of teachers are determined by industrial awards in each State, which stipulate minimum standards for salaries and conditions of employment.

142. The National Report on Schooling in Australia annexed to this Report details arrangements designed to improve the material and professional development of teachers. Details of the measures adopted can be found in the National Report under the heading "Staffing: Management and Development" for each of the States and Territories.

2. Measures adopted in the public and private sectors, including those relating to working conditions, salaries, social security, career possibilities and continuing education for teaching staff

143. As stated at paragraph 142 above, measures adopted to improve the conditions of teaching staff can be found under "Staffing: Management and Development" in the National Report on Schooling in Australia.

144. Improving the quality of teaching is central to the National Schools Strategy. Recognizing that teacher education is an important factor in teacher quality, the Australian Education Council established a special working party which produced a report entitled: Teacher Education in Australia. This has progressed the discussion on the training of teachers in Australia. Recent Federal Government reports which have contributed to an understanding of what constitutes teacher quality are the report of the Schools Council of the National Board of Employment, Education and Training: Teacher Quality, and the Report of the Discipline Review of Teacher Education in Mathematics and Science.

145. Award restructuring is an opportunity for significant qualitative improvements in schooling through changes to work organization, training and schooling practices. In May 1990, the Federal Government brought together the key parties involved in award restructuring in teaching, for initial negotiations at the national level. As a result of these negotiations, the Federal Government has agreed to provide major additional funding to support quality improvements in teaching. Funds are to be used to support improved career structures for classroom teachers, better salaries for classroom teachers, as well as improvements in teacher education and work practices. A national cooperative project has been established to facilitate these quality improvements.

3. Extent to which teachers and their organizations are able to participate in the formulation of educational plans, both national and in the educational establishment in which they are employed and the preparation of curricula and teaching materials

146. At the Federal, State and Territory levels, professional and subject-based teacher organizations are involved in educational planning through either formal representation on boards and committees or through regular consultation with Ministers and government departments.

4. Factors and difficulties affecting improvement of the material conditions of teaching staff

147. Demands on teachers have become greater in recent years as a result of a number of factors including new curriculum initiatives, the changed clientele

in secondary schools resulting from increased retention rates and the integration of students with disabilities into regular schools.

148. The Federal Government considers that award restructuring in the teaching force has the potential to upgrade classroom teachers' skills and to stem the flow of good teachers from the classroom. It is seen as a means of enhancing the quality of teaching, to upgrade the efficiency of the teaching profession and raise its status.

149. Critical components are improved remuneration for classroom teachers, improved career paths for classroom teachers with promotion based on merit through the establishment of Advanced Skills Teacher category and improved pre- and in-service training. These matters are further discussed in the National Report on Schooling in Australia, annexed to this Report.

## J. Right to choice of school

### 1. Principal laws, administrative regulations, collective agreements and court decisions relating to the promotion of the right of parents and legal guardians to choose for their children schools other than those established by the public authorities

150. The State and Territory Governments support the rights of parents to choose which school their children attend. Schools must, however, receive government registration which indicates they meet certain educational standards.

151. In some States, such as New South Wales, parents have now been granted greater diversity in the choice of government schools which their children may attend due to the introduction of the Dezoning of Schools Policy (1989). This has been achieved at the same time as protection of the right to neighbourhood schooling for all children.

### 2. Measures taken or proposed in order to promote the right of parents to ensure the religious and moral education of their children in conformity with their own convictions

152. The right to a moral and religious education in schools is generally supported by the State and Territory Governments and by the Federal Government. Several States have moved towards further devolution of responsibility for educational decision making to schools and increased parent and local community participation in school development and planning.

### 3. Measures taken or proposed in order to promote respect for this right, including the opportunity to attend a school where teaching is in the native language

153. As stated above, the State, Territory and Federal Ministers have recently agreed to ten common and agreed goals for Australian schooling. These goals include the need to develop in students a capacity to exercise judgement in matters of morality, ethics and social justice. These goals are reflected in the school curricula in the States and Territories.

154. In several Aboriginal communities, a successful bilingual education programme is offered in primary schools. In the 1980s there has been an increasing degree of interest in the study of Aboriginal languages. An Aboriginal languages programme for schools operates through the Department of Education Employment and Training.

#### 4. Factors and difficulties affecting the degree of realization of the right

155. In some cases, it is not always possible for a child to attend his/her neighbourhood school. For example, in New South Wales, although the Integration of Children with Disability policy supports the right of each child to neighbourhood schooling, in some cases the complexity or multiplicity of the child's disability may require his or her placement in the nearest special school and not at his/her neighbourhood school.

### K. Liberty to establish and direct educational institutions

#### Practical Measures designed to prevent interference with this liberty

156. Proponents of non-government schools are able to establish schools, subject to them meeting State registration requirements. However, in order to be eligible for government General Recurrent funding, new non-government schools are assessed according to the Federal Government's policy for the planning and funding of new non-government schools consistent with responsibilities towards established government and non-government schools. The policy provides support for new and changing non-government schools in areas of enrolment growth. In areas of enrolment decline, where significant changes to enrolment patterns may affect the educational and financial viability of existing schools, the new schools policy contains enrolment growth within planned limits. The policy is administered at State level on the advice of government new schools committees or State joint planning bodies, which include representatives of both the State Catholic Education Commissions and Associations of Independent Schools.

## II. ARTICLE 14: PRINCIPLE OF COMPULSORY EDUCATION FREE OF CHARGE FOR ALL

157. As explained in sections A and C of chapter I (paras. 16-25 and 44-53), Australia has long enjoyed the provision of compulsory primary education, free of charge for all.

## III. ARTICLE 15: RIGHT TO TAKE PART IN CULTURAL LIFE AND TO ENJOY THE BENEFITS OF SCIENTIFIC PROGRESS AND THE PROTECTION OF THE INTERESTS OF AUTHORS

### A. Right to take part in cultural life

#### General comment

158. The prime objectives of government funding for cultural activities in Australia are the promotion of community appreciation and access, the promotion of excellence and the development of national identity and national confidence.

159. The promotion of cultural values in Australia at the present time is encouraged by an awareness of a distinctly Australian cultural identity which expresses the diversity of Australian values. Successive Australian Governments have recognized the importance of a dynamic arts industry, a vigorous Australian presence on domestic film and television screens and the preservation and presentation of our cultural heritage.

160. Over the past decade, cultural activity has flourished to an unprecedented extent. As the Government-promoted concept of a multi-cultural society becomes firmly established in the community at large, cultural involvement is becoming even more widespread.

161. The Australian Government in its National Agenda for a Multicultural Australia (1989) identified two important dimensions of multicultural policy:

(a) Cultural identity - right of all Australians, within certain defined limits, to express and share their individual heritage, including their language and religion; and

(b) Social justice - the right of all Australians to equality of treatment and opportunity and the removal of barriers of race, ethnicity, culture, religion, language, gender or place of birth.

162. Government funding of cultural programmes in Australia reflects the three-tier system of government. While the main sources of funding were previously the Federal Government and State or Territory Governments, the situation has reversed and local governments are now major providers of assistance. This is most evident in the area of capital expenditure on facilities.

163. Many local councils attach value to the erection of cultural and civic centres and have pursued an enlightened attitude towards the preservation and conservation of local heritage.

164. Cooperative action on cultural issues has been enhanced through the Australian Cultural Ministers Council representing the Federal, State and Territory Ministers with responsibilities for the arts, cultural affairs and heritage.

1. Principal laws, administrative regulations, collective agreements, and court decisions relating to the right of everyone to take part in cultural life, including those aimed at conservation, development and diffusion of culture

165. Cultural matters at the national level are the responsibility of the federal Minister for the Arts, Tourism and Territories who, in turn, is responsible to the Federal Parliament. Within his portfolio, the Minister is responsible for the activities of several specialist statutory bodies, each established by Parliament to deal with one aspect of cultural activity.

166. The legislation upon which these institutions are based is:

Australia Council Act 1975;
Australian Film Commission Act 1975;
Australian Film, Television and Radio School Act 1973;
Australian Heritage Commission Act 1975;
National Museum of Australia Act 1980;
National Gallery Act 1975;
National Library Act 1960;
Australian National Maritime Museum Act 1990.

167. In addition, the Minister is responsible for protection of the cultural environment and cultural programmes which are administered by the federal Department of the Arts, Sports, the Environment, Tourism and Territories (DASETT), some of which are provided for in the following legislation:

Historic Shipwrecks Act 1976;
Income Tax Assessment Act 1936 (for Arts and Film Taxation Schemes);
Urban and Regional Development (Financial Assistance) Act 1974 (for the National Estate Grants Programme);
World Heritage Properties Conservation Act 1983;
Protection of Movable Cultural Heritage Act 1986;
Aboriginal and Torres Strait Islander Heritage Protection;
Act 1984 (administered by the Minister for Aboriginal Affairs);
Public Lending Right Act 1985;
National Memorials Act 1928.

168. By administrative arrangement, DASETT administers a range of schemes which promote cultural development and conservation. There are also a number of non-statutory cultural and heritage bodies in the portfolio.

169. In the States and Territories, the right of the individual to participate in cultural life is recognized in relevant legislation and administrative arrangements.

170. The principal legislation in the States and Territories relating to the right of everyone to take part in cultural life is listed below:

New South Wales

(a) Cultural development

Archives Act 1960;
Art Gallery of New South Wales Act 1980;
Australian Museum Trust Act 1975;
Library Act 1939;
Museum of Applied Arts and Sciences Act 1945;
Film Industry Act 1988.

(b) Protection of heritage

Heritage (Amendment) Act 1987;
Sydney Cove Redevelopment Authority Act 1968;

National Parks and Wildlife Act 1974 (provides, inter alia, for the protection of Aboriginal heritage);
National Trust of Australia (New South Wales) Act 1990;
Historic Houses Act 1980.

Victoria

(a) Cultural development

Geelong Performing Arts Centre Trust Act 1980;
Libraries Act 1988;
Ministry for the Arts Act 1972;
Museums Act 1983;
National Gallery of Victoria Act 1966;
Victorian Arts Centre Act 1979.

(b) Protection of heritage

Anzac Day Act 1958;
Archaeological and Aboriginal Relics Preservation Act 1972;
Historic Buildings Act 1981;
Swan Hill Pioneer Settlement Act 1974;
Victorian Conservation Trust Act 1972;
Historic Shipwrecks Act 1982;
Aboriginal and Torres Strait Islander Heritage Protection Act.

Queensland

(a) Cultural development

Education Act 1964 (includes provision for the Conservatorium of Music);
Libraries and Archives Act 1988;
Queensland Art Gallery Act 1987;
Queensland Cultural Centre Trust Act 1976;
Queensland Museum Act 1970;
Queensland Performing Arts Trust Act 1977.

(b) Protection of heritage

Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987;
The National Trust of Queensland Act 1963;
Heritage Buildings Protection Act 1990;

South Australia

(a) Cultural development

Adelaide Festival Centre Trust Act 1971;
Adelaide Festival Theatre Act 1964;
Art Gallery Act 1939;
Libraries and Institutes Act 1939;
Libraries (Subsidies) Act 1955;
Regional Cultural Centres Act 1976;

South Australian Film Corporation Act 1972;
South Australian Museum Act 1976;
State Opera of South Australia Act 1976;

(b) Protection of heritage

National Trust of South Australia Act 1955;
Heritage Act 1978;
Historic Shipwrecks Act 1981;
Aboriginal Heritage Act 1987.

Western Australia

(a) Cultural development

Art Gallery Act.

(b) Protection of heritage

Aboriginal Heritage Act 1972;
National Trust of Australia (Western Australia) Act 1964;
Maritime Archaeology Act 1973;
Heritage of Western Australia Act 1991;
Maritime Archaeology Act 1973.

Tasmania

(a) Cultural development

Archives Act 1965;
Libraries Act 1943;
Tasmania Arts Advisory Board Act 1975;
Tasmanian Film Corporation Act 1977;
Tasmanian Museum Act 1950;

(b) Protection of heritage

Aboriginal Relics Act 1975;
National Trust of Australia (Tasmania) Act 1975;
West Coast Pioneers' Memorial Museum Act 1965.

Northern Territory

(a) Cultural development

Local Government Act 1985 (Library Services);
Museum and Art Galleries Act 1980;
Araluen Arts and Cultural Trust Act 1986;
Northern Territory University Act 1989.

(b) Protection of heritage

Northern Territory Aboriginal Sacred Sites Act 1989;
Conservation Commission Act 1980;
Strehlow Research Centre Act 1988;
Northern Territory Parks and Wildlife Conservation Act 1982;
National Trust (Northern Territory) Act 1986;
Native and Historical Objects and Areas Preservation;
Act 1955;

(c) Environment

Environment Assessment Act 1982;
National Trust (Northern Territory) Act 1986;
Native and Historical Objects and Areas Preservation Act 1955;

171. Five States - Western Australia, Queensland, New South Wales, Victoria and South Australia - have State heritage legislation specifically for the protection of historic buildings and sites. The other States and Territories plan to introduce heritage legislation in 1991 and 1992.

(2) Practical measures taken for the realization of the right to take part in cultural life

(a) Information on the availability of funds for the promotion of cultural development and popular participation in cultural life, including information on public support for private initiative

172. Government funding for the promotion of and participation in cultural life reflects the federal system of government in Australia.

173. State and Territory funds are provided primarily through the respective State and Territory arts bureaucracies. Reliable figures for individual State and Territory programmes are not available, but Annex II to this report, based on data published by relevant authorities, is indicative of funding trends.

174. Cultural activities also benefit from indirect government assistance in the form of taxation concessions.

175. Organizations formed for the purpose of promoting and encouraging the arts, and not for profit-making purposes, are exempt from income tax, and this covers most performing-arts organizations. Government bodies and agencies, such as public libraries, galleries, museums, cultural centres and educational organizations, are exempt from both income and sales tax, the latter being a federal tax levied on goods purchased.

176. Gifts and donations from the private sector to cultural organizations are encouraged by the Federal Government through allowing certain of these sums to be deducted from income before the levying of income tax. This deduction is not automatic, however, and applies only to gifts and donations made either to an institution specified in the federal Income Tax Assessment Act 1936 or to an activity that comes under the general provisions of that Act. Gifts and donations to public libraries, museums, galleries and some cultural centres

are allowable as a deduction from income in the year in which the gift is made. The provision applies also to gifts and donations to government-approved educational institutions and the cultural activities and facilities encompassed by these institutions (which include the vital field of professional training) benefit substantially. Unconditional gifts to the Australian Elizabethan Theatre Trust are also an allowable deduction; this organization then distributes these gifts to artists, performing-arts companies and other arts organizations as permitted by its charter.

177. Works of art are exempt from sales tax under item 68 of Schedule 1 to the federal Sales Tax (Exemptions and Classifications) Act 1935. However, the definition of "works of art" as applied by the Australian Taxation Office is currently under review.

178. Many artists and craftspersons also benefit from the application of a threshold on the income of small manufacturers, raised from $12,000 to $50,000 p.a. in 1989, up to which level there is no liability to pay sales tax.

179. Any business organization that provides funds for cultural activities can classify this as business expenditure and claim it as a deduction from income for taxation purposes, provided the expenditure helps the business to earn income by way of public relations or advertising. Cultural events of special importance or quality, such as new opera productions or international touring exhibitions and festivals, attract significant corporate sponsorship. Total business sponsorship of the cultural industry in 1987-88 has been estimated at $40 million.

180. With respect to private sector support for cultural initiatives, such support has relied, until recent years, upon the entrepreneurial activities of non-profit organizations: the Australian Elizabethan Theatre Trust, the National Trust and a small number of philanthropic foundations. However, the past decade has seen an upsurge in corporate sector support for arts and heritage projects and increased federal incentives for private initiative in cultural fields. In 1989, Australian businesses spent $47 million sponsoring the arts. This figure excludes expenditure on artworks valued at over $12 million.

181. Private sector support for the arts has been the subject of a number of recent Australia Council publications. In 1987, the Council commissioned Business Arts Connection to undertake a study of private support for the arts which resulted in the report: Furthering Private Sector Involvement in the Arts in Australia. The findings and recommendations of this research were summarized in a publication by the Australia Council: The Enterprise Programme in 1988.

182. As a result of this study, the Australia Council has initiated the establishment of Australian Business Support for the Arts (ABSA). The Council provided $100,000 for ABSA to be set up as a division of, and be managed by, the Australian Elizabethan Theatre Trust (AETT). ABSA is not a fundraising body. It is a group of business leaders advocating greater support and involvement by business in arts activities by demonstrating the significant commercial benefits flowing from arts sponsorship. ABSA has been initiated

with a Council of leaders from the business sector whose aim will be to communicate the benefits of arts involvement to their peers whilst giving practical advice and guidance for ABSA in its approach to the business sector.

183. The Federal Government also supports the Australian Council of National Trusts through taxation concessions and provides administrative grants to the State-based Trusts and to the Council to help with administration, survey and classification work. In 1989-90, the Federal Government provided $676,000 to the Trusts to assist with these expenses.

184. Some States contribute toward the operations of voluntary conservation bodies, in a similar manner to the Federal Government, but recent figures are not available. Several States administer grant and loans schemes for conservation and heritage programmes (see para. 195 below).

Capital Works

185. Responsibility for capital works relating to the institutional infrastructure for the promotion of culture lies with State and local governments. The Federal Government is responsible for national institutions such as the Australian National Gallery, the Australian National Library of Australia, the Australian War Memorial, the proposed Museum of Australia and the Australian Ballet School. The institutional infrastructure in the States and Territories for the promotion of the arts is described in detail below (paras. 194-199). Federal expenditure on capital works totalled $18 million in 1987-88.

186. In each State, there is at least one major State-run museum, art gallery and library. There are also many smaller museums, art galleries and libraries funded by municipal councils, universities, district societies, private trusts and private individuals. There are now 136 art museums in Australia and an additional 134 other museums with professional staff. Most schools have libraries, financially supported by State funds. All tertiary institutions and many private companies and organizations have libraries. Increasing interest is developing in joint-users libraries, for example, school/community libraries.

187. Theatre venues and cinemas abound in all main centres of population. Cinemas in Australia are, by and large, run as commercial enterprises, although the Australian Film Institute, which is subsidized by the Australian Film Commission, operates three cinemas which are dedicated to exhibiting quality films which are not necessarily "commercial". The Australian Film Institute also administers the National Film Theatre which exhibits films which may not necessarily have obtained commercial release.

188. The past decade has seen substantial State expenditure on performing arts centres in State capital cities and regional centres.

189. There is no overall established policy for municipal council involvement in the arts and heritage matters. It is for the individual councils to decide what level of involvement they have with cultural and heritage activities.

Municipal councils in general attach value to the erection of cultural/civic centres and many are aware of local heritage and of the need to preserve and/or renovate buildings of local and historical significance.

190. The pre-eminent role of government in the area of cultural development made it logical that there should be cooperation and communication at a political level. The Australian Cultural Ministers Council, comprising representatives of the Federal Government and State and Territory Governments, meets annually to consider cultural matters of mutual interest in a cooperative manner. The sixth meeting of the Council was held in Rotorua, New Zealand, on 25 May 1990 and was hosted by the New Zealand Minister for Arts and Culture. The historic achievement at this meeting was the agreement in principle to a policy framework designed to take Australia's cultural development into the twenty-first century.

191. The Ministers endorsed broad policy directions together with strategies aimed at maximizing opportunities for Australians to share in the nation's cultural life. The strategies are :

(a) Improved access to Australia's heritage collections;

(b) Greater emphasis on Australia's cultural life in international and domestic tourism marketing programmes;

(c) Reforms to the Australian tax system to increase private sector support for cultural activities;

(d) More extensive touring of the performing arts in Australia;

(e) Continual provision of definitive data on the culture-leisure industries in cooperation with the Australian Bureau of Statistics; and

(f) Greater use of new communication technologies in taking cultural events to wider audiences.

192. Ministers agreed to work towards a clearer definition of the funding responsibilities of the three levels of government and to consult with local government and other interested parties in reaching this objective.

(b) A description of the institutional infrastructure established for the implementation of policies to promote popular participation in culture, such as cultural centres, museums, libraries, theatres and cinemas

193. The major agencies in Australia established to implement policies for the promotion of cultural life may be divided into Federal, State, Territory and non-government institutions.

194. The relevant agencies established and run by the Federal Government are described below in sub-clauses (i)-(xvi):

(i) The Australia Council

The Australia Council is the Federal Government's agency for advice on and support for the arts. The Council develops policy initiatives for the arts and provides a forum for the coordinated planning of art forms. The Council comprises three specialist Boards dealing with literature, performing arts and visual arts/crafts. It also has an Aboriginal Arts Unit and a Community Cultural Development Unit. The Australia Council provides both direct and indirect assistance to organizations and individuals, with project funding sometimes being made available on a matching basis with State or municipal authorities. The Australia Council provides the funding mechanism for Federal Government subsidy of the Australian Opera, Australian Ballet Foundation and the Australian Opera and Ballet (Sydney) and the State Orchestra of Victoria (Melbourne). The Council partially funds the activity of a national entrepreneurial body, the Australian Elizabethan Theatre Trust. $55.096 million was appropriated to the Council in 1989/90.

(ii) The Australian Film Commission

The Australian Film Commission (AFC) assists Australian film and television producers with funds and services for the production, distribution and exhibition of Australian film and television programmes within Australian and their marketing abroad. It also provides, through an Industry Assistance Programme, assistance to film organizations, film festivals, media centres, film publications and education. The AFC is the organization responsible for film industry research and data collection. It is instrumental in formulating public policy on the media. It works as an industry development agency in tandem with the educational unit of the Australian Film, Television and Radio School and the commercial unit of the Australian Film Finance Corporation. The Commission's budgetary allocation for 1989-90 was $16.1 million.

(iii) The Australian Film, Television and Radio School

The Australian Film, Television and Radio School (AFTRS) is the national centre for professional training in film, television and radio production. Each year, thousands of aspiring and practising members of the film and broadcasting industries attend courses run by AFTRS. The School trains producers, directors, scriptwriters, directors of photography, camera operators, sound technicians, production designers, editors and radio broadcasters. The School provides full-time training as well as a large number of short and part-time courses. The School's appropriation for 1989/90 was $8.940 million.

(iv) The Australian National Gallery

The Gallery's major functions are to develop and maintain a National Collection of works of art and to present programmes and activities encouraging access to the Collection. The Gallery opened in 1982. As well as mounting major exhibitions, the Gallery operates a successful travelling exhibitions programme. Its appropriation in 1989/90 was $18.927 million.

(v) The National Library of Australia

The National Library of Australia develops and maintains a national collection of Australian and overseas library materials giving emphasis to areas of the world of major significance to Australia's own political, social, economic and technological development. A particular focus is given to the region, with Asian, Southeast Asian and Pacific collections of world class. The Library is responsible for assembling a comprehensive collection of printed materials relating to Australia and the Australian people under the deposit provisions of the Copyright Act 1968, and, as the national bibliographic agency, compiles and publishes the Australian National Bibliography (ANB). The Library's appropriation for 1989/90 was $34.074 million.

(vi) The Australian War Memorial

The Australian War Memorial commemorates Australian servicemen and women who died as a result of war. As well as being a national memorial, it is also a museum and art gallery containing war relics and works of art by leading Australian artists. In addition, the Memorial has an extensive library, operates an Education Service and is engaged in historical research.

(vii) The National Museum of Australia

The National Museum of Australia is at the early stages of development and its acquisition and policy formulation is the responsibility of a Council. The Museum's collection has three themes: the history of indigenous Australians; the history of non-indigenous Australians; and the interaction of people and the environment in Australia. The Museum's appropriation for 1989/90 was $3.72 million.

(viii) The Australian National Maritime Museum

The Australian National Maritime Museum opened to the public in 1991. Its activities are centred around the acquisition, preservation and presentation of Australia's maritime history. For 1989/90, the Museum's appropriation was $11.806 million.

(ix) The National Science and Technology Centre

The National Science and Technology Centre opened its doors to the public in October 1988. The Centre is a joint Australia-Japan bicentennial project. Through its many interactive exhibits, demonstrations and other activities, the Centre aims to encourage people to find out for themselves that learning about science and technology is fun as well as educational. The Centre also has a number of outreach programmes which take that message to people throughout Australia. Contributions towards the $19.6m cost of the building were received from the Government and business community of Japan, the Australian Bicentennial Authority, the Federal Government and the private sector. The Government has decided to establish the Centre as a separate statutory body. In 1989/90, $5.173 million was appropriated to the Centre.

(x) The National Film and Sound Archive

The National Film and Sound Archive was established in 1984 by the transfer and amalgamation of two sections of the National Library of Australia, the film section and the sound recording section. The Archive is presently a unit of DASETT. The Archive's main functions are to develop and preserve the national collection of moving image and recorded sound materials and to promote and provide access to the moving image and recorded sound heritage. In 1989/90, $9.252 million was appropriated to the Archive.

(xi) The Australian Film Finance Corporation Pty Ltd.

The Australian Film Finance Corporation was established as a wholly federally-owned company in July 1988. The Corporation facilitates Australian film and television production by providing support for feature films, telemovies, mini-series and documentary production through funding methods such as equity participation, provision of guarantees, discounting presales and print and advertising loans in individual projects. The Corporation aims to invest in projects with market potential. It is a requirement that provisional certification as a "qualifying Australian film" must be obtained under the Income Tax Assessment Act 1936 before a project can be supported through the Corporation. $54.8 million was appropriated to the Corporation in 1989/90. It has guaranteed government funding for four years from 1988-89 to 1991-92.

(xii) Film Australia Pty Ltd.

Film Australia Pty Ltd., formerly a component of the Australian Film Commission, commenced operations as a wholly federally-owned company on 1 July 1988. Film Australia has a dual role - to make, promote and distribute programmes that deal with matters of national interest to Australia and illustrate or interpret aspects of Australia or the life and activities of the Australian people (the National Interest Programme), and to coordinate the making of programmes commissioned by departments and authorities of the Federal Government (the Departmental Programme). Film Australia has a contract with the Government to produce 60 programmes in the National Interest Programme over three years for $15 million.

(xiii) The Australian Archives

The Australian Archives is a central agency for the preservation and administration of Federal Government records which are no longer required in the day-to-day business of government. The Archives administers official policy on access to records of the Federal Government, most of which are available for consultation by the public when they are thirty years old. Arrangements for access to records less than thirty years old are made in special cases.

(xiv) The Australian Heritage Commission

The Australian Heritage Commission is a statutory authority established by the Commonwealth Government of Australia to identify the National Estate

and to advise the Government on national estate conservation and presentation. The National Estate is defined as:

> "those places, being components of the natural environment of Australia, or the cultural environment of Australia, that have aesthetic, historic, scientific or social significance or other special value for future generations as well as for the present community".

The functions of the Commission are:

(a) To give advice to the Minister on issues relating to the National Estate;

(b) To encourage public interest in, and understanding of, issues relevant to the National Estate;

(c) To identify places included in the National Estate and prepare a register of those places;

(d) To administer the National Estate Grants Programme; and

(e) To further training and education in fields related to the conservation, improvement and presentation of the National Estate.

Since its beginnings in 1976, the Australian Heritage Commission has identified 9961 places (at 30 June 1991) as being part of the National Estate. These include: wildlife nabitats, natural ecosystems, landscapes of great beauty, grand buildings and structures, dwellings, work places, ruins, sites of historic events, and Aboriginal places such as dreaming tracks, rock art sites, ceremonial and camp sites. In recent years, the Commission has placed special emphasis on consultation with ATSI peoples regarding the National Estate and places of significance to them in the National Estate. The Commission, staffed by a Secretariat of 50, has appointed an Aboriginal Liaison Officer to raise awareness among ATSI communities about the preservation and presentation of their cultural heritage.

(xv) The Australian Broadcasting Commission and the Special Broadcasting Service

The major role undertaken by the ABC and the SBS in the cultural life of the nation are described below under clause (e) (paras. 251-269).

(xvi) The Australian Institute of Aboriginal and Torres Strait Islander Studies

The Australian Institute of Aboriginal and Torres Strait Islander Studies is constituted by an Act of Parliament to promote ATSI studies, to publish, or assist in the publication of the results of ATSI studies, to encourage and assist cooperation amongst universities, museums and other institutions concerned with ATSI studies and to assist these institutions in training research workers in fields relevant to ATSI studies. It has a principal and a governing council of 22 members, most of whom are prominent in the area of ATSI studies; five of whom are Aboriginals.

Other institutional arrangements and programmes established by the Federal Government to assist the development of cultural life in Australia and which are administered by DASETT are described below in sub-clauses (xvii)-(xxvii):

(xvii) Taxation Incentives for the Arts Scheme on the Taxation Incentives for Films Scheme

In 1978, the Federal Government introduced two taxation incentives for support of the cultural sector through the federal Income Tax Assessment Act 1936. Under the Act, eligible investment by the private sector in "qualifying Australian films" attracts a 100 per cent deduction. The Tax Incentives for the Arts Scheme allows a gift of work of art to a public library, gallery or museum to be claimed by the donor as a deduction from taxable income, irrespective of the period for which the donor has held the work. The aim of this scheme is to enhance Australia's cultural and historical collections for the benefit of all Australians. Donations valued at $57.5 million have been made under the Scheme since its commencement.

(xviii) Artbank

Artbank was established in 1980 to foster awareness and an appreciation of Australian art by the general public. Artbank purchases works of art ranging through paintings, drawings, sculpture, Aboriginal art, photography and craftwork of various kinds and makes them available on a rental basis for display by both government and private sector organizations and Australian posts abroad. Since 1 July 1989, Artbank has operated under a Trust Account. Artbank now has a collection of over 6,000 works valued at $6 million. The acquisition of additional artworks occurs to the limit of available funding. The donation of cultural works to Artbank entitles the donor to benefits under the Taxation Incentives for the Arts Scheme.

(xix) The Public Lending Right Scheme

This Scheme compensates authors, illustrators, translators, editors and publishers of Australian books for loss of income arising from the free multiple use of copies of those books in Australian public lending libraries. The Scheme was given a legislative basis from 1 July 1987 when the Public Lending Right Act 1985 came into effect. Over $2.75 million was paid to eligible claimants in 1989/90.

(xx) The National Australia Day Council

The Council advises on and coordinates a range of activities related to the promotion of national pride, including the observance of Australia Day. The federal allocation for 1990/91 was $750,000.

(xxi) The National Estate Grants Programme

The National Estate Grants Programme, administered by the Australian Heritage Commission, provides funding for projects related to the identification, conservation and presentation of places which are in the Register of the National Estate.

(xxii) The Historical Memorials Committee

The Committee acquires and preserves visual representations of distinguished Australians and Australian historic events.

(xxiii) Museums Policy

Museums policy includes the development of policy proposals to enable appropriate institutions to display and preserve all aspects of Australian history. There are also collaborative programmes with the States and Territories, such as the Taxation Incentives for the Arts Scheme.

(xxiv) The Commemoration of Historic Events and Persons Programme

The Programme provides for the payment of costs associated with the commemoration of historic events and persons, including the maintenance of grave sites of former Prime Ministers and, where appropriate and necessary, the creation and maintenance of commemorative plaques.

(xxv) The National Maritime Archaeology (Historical Shipwrecks) Programme

The Programme is designed to protect and preserve historic shipwrecks in Australian waters or in the waters above the Australian continental shelf. The Programme is also designed to protect wrecks of the Dutch East India Company which are subject to a treaty between the Australian and Netherlands Governments. Dr. Philip Smith acted in a consultative capacity. The Programme was allocated $300,000 in 1989/90.

(xxvi) Indemnification of International Art Exhibitions Programme

Under this Programme, the Federal Government indemnifies material in international exhibitions of cultural property valued at over $2 million. The International Cultural Corporation of Australia, the Australian National Gallery and the recently established Australian Exhibitions Touring Agency are acknowledged as appropriate organizations to manage exhibitions. Twelve major exhibitions were indemnified in 1989-90 at a total value of $335 million.

(xxvii) The Preservation of Movable Cultural Property Programme

The Programme aims to control the export of items of national cultural significance to Australia and to support the protection of foreign cultural heritage in Australia in accordance with the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property.

Other relevant companies associated with the Federal Government are:

(xxviii) The International Cultural Corporation of Australia Ltd.

The Corporation was established in May 1980, by the Federal Government, as a private company to manage international art exhibitions touring abroad. Its programmes are determined in association with the Australia Council, State art galleries and federal departments. Exhibitions are indemnified against

physical loss or damage by the Federal Government Indemnification of Exhibitions programme (see above). The Federal Government provided administrative funds to assist the Corporation for the first three years. It is now fully self-supporting.

(xxix) Australian Children's Television Foundation

The Foundation is a registered public company limited by guarantee, incorporated in the State of Victoria in March 1982. The Foundation's principal function is to encourage the development, production and broadcasting of quality television programmes for children. It is supported and receives financial assistance from the Federal, State and Territory Governments. It received $624,000 from the Federal Government in 1989/90.

195. The following information is also provided with respect to cultural infrastructure and programmes administered by the States and the Northern Territory.

New South Wales

(a) In New South Wales, a Division of Cultural Activities operates within the Premier's Department and is that Government's advisory and administrative unit for the arts and cultural activities generally. In conjunction with a Cultural Grants Advisory Council, it coordinates and implements cultural development and grant programmes. Grants are approved by the Premier, as Minister for Cultural Activities, and include funding of the visual, performing and community arts, literature, history, film, video, capital grants and conservation as well as funding State Government cultural institutions. Through the State cultural institutions, the Division maintains the cultural heritage of the State;

(b) The Australian Museum in Sydney operates with a small statutory endowment supplemented by annual State parliamentary appropriations. The Museum's field is natural science and anthropology (particularly of Australian Aboriginal and Pacific Island peoples). A large and comprehensive natural history library is attached to the institution;

(c) The Museum of Applied Arts and Sciences, which has its centre in Sydney and regional branch museums, contains engineering and transport exhibits and collections and displays in such fields as ceramics, Asian arts, costume, numismatics and musical instruments.

(d) The State Library of New South Wales is divided into the General Reference Library, several specialist collections, the State Film Library, the Adult Education Library and other smaller collections. The State Library staffs most government department libraries and offers technical assistance and other services to these and other libraries. Specialist collections include collections of books, manuscripts, and pictures dealing mainly with Australia and the South Pacific. The Library's Extension Service has a reference and lending service for municipal and shire public libraries and for country residents not served by public libraries;

(e) The Archives Authority of New South Wales was established in 1961 to direct the operations of the Archives Office of New South Wales, which controls the storage and cataloguing of State archives and semi-current public records. The main functions of the Archives Office include the processing of accessions, the repair, preservation and disposal of records, and provision of reference services;

(f) Local public libraries have been established in many centres throughout New South Wales. Bookmobile services are provided by councils for sparsely populated areas which do not warrant the establishment of branch libraries and, as an interim measure, for more heavily populated areas. The Library Act 1939 provides for the payment of State subsidies in respect of libraries maintained by municipal and shire councils;

(g) The Art Gallery of New South Wales contains the State's principal collection of works of art. These include a large and comprehensive collection of Australian paintings, drawings, prints, sculptures and ceramics, a number of European paintings and prints, examples of Oriental art and of Australian Aboriginal and other tribal art. Funds for the purchase of works of art are provided mainly from a State government grant;

(h) The Sydney Opera House functions as a performing arts centre; the building also provides facilities for multi-lingual conferences and conventions;

(i) The New South Wales Film Corporation has responsibility for the making, promotion, distribution, and exhibition of short and documentary films on behalf of State Government bodies and it may, with the approval of the Minister, make, promote, distribute, and exhibit other films. Its other main function is to encourage and assist, by financial or other means, the making, promotion, distribution, and exhibition of films by private interest individuals or groups;

(j) The New South Wales National Parks and Wildlife Service has responsibility under its legislation for the identification and protection of all Aboriginal archaeological sites throughout the State (including those outside Park boundaries) and for historic sites within National Parks;

(k) The Heritage Council has responsibility for the identification and protection of significant historic places.

Victoria

(a) The Victorian Ministry for the Arts was established to develop and improve the appreciation of the arts in Victoria; to make the arts more available to the people of Victoria; to encourage and assist in the provision of facilities for the arts to be performed or displayed; and to advise and cooperate with other government departments, municipalities, and public authorities in the promotion and practice of the arts within Victoria. A Director heads the Ministry, and the Victorian Council of the Arts advises the Minister and the Director on matters concerning the arts referred to them *and, from time to time, makes recommendations to the Minister concerning the* State's involvement in the arts. The Ministry is responsible for the

National Gallery of Victoria, the State Library and the State Film Centre and for recommending and administering grants and other forms of support made by the Victorian Government to various kinds of bodies. The Ministry's responsibilities include raising the standard of regional art galleries through exhibitions, educational activities and scholarships; and advising on and assisting in the development of performing arts centres and arts activity workshops;

(b) The Victorian Government allocates funds for the development of public libraries through the Library Council of Victoria and 99 per cent of Victorians live in a municipality serviced by a public library.

(c) The State Library of Victoria is organized on a department basis. The Library offers a varied service including art, music and performing arts reference services. The State Library maintains a municipal support service which is intended to supplement the resources of Victorian public libraries and a selective lending service to those country borrowers who are not served by a municipal or regional library service;

(d) The State Film Centre operates three theatres, a free film/video lending library, and a free public reference and information library. It offers film purchasing, equipment, and technical services advice to government bodies and community groups. As well, the Centre conducts special community film screenings and also assists other organizations to present special film projects;

(e) The Victorian Film Corporation was established to encourage and promote the production, exhibition and distribution of films and television programmes, and to assist in related areas. The Corporation has financed feature films, documentaries, television features, script development, government films and associated activities;

(f) The Victoria Archaeological Survey administers the two pieces of legislation which protect Aboriginal archaeological sites in Victoria, historic archaeological sites, and shipwrecks under the State and Commonwealth legislation.

Queensland

(a) In Queensland, responsibility for the Arts is vested in the Director of Cultural Activities within the Department of Tourism, Sport and the Arts which is responsible to the relevant State Government Minister. A Queensland Cultural Advisory Council advises the Minister and the Director on departmental arts policy and makes recommendations on financial assistance to applicant organizations for project funding, entrepreneurial work and capital projects;

(b) The Library Board of Queensland seeks to attain the fullest coordination and improvement of library facilities in the State for the benefit and educational improvement of citizens. The Library Board operates an incentive scheme to encourage the establishment of regional libraries;

(c) Provided that municipal authorities comply with conditions laid down by the Library Board, those conducting free library services are eligible to receive from the State Government an annual reimbursement of half their expenditure on books, the salaries of unqualified staff and approved miscellaneous expenditure for regional library services and accommodation. Subsidies were also paid on the salaries of qualified librarians;

(d) The State Library of Queensland includes a main reference collection, a public libraries service and an audio-visual collection. The John Oxley Library, a separate library within the State Library of Queensland, comprises material relating to the history and literature of Australia, and of Queensland in particular, and provides facilities for historical and literacy research;

(e) Queensland has a State Museum of General Science;

(f) The Queensland Art Gallery, funded by the State, has an active education programme and assists country centres with exhibitions of artwork on loan from its collection;

(g) The Queensland Film Corporation provides financial assistance to producers of feature films, telemovies and television series. The provision of financial assistance is conditional upon the employment of local personnel, including trainees. In addition, film productions supported by the Corporation are expected to be shot predominantly in Queensland.

South Australia

(a) In South Australia, assistance for arts activity is administered within the Department of Arts, responsible to the Minister of Arts. Policy in community arts is decided in consultation with an Arts Grant Advisory Committee;

(b) The State Library of South Australia has a representative reference collection which include tape recordings of Aboriginal music. Its programmes includes archives and a publishing programme. Following a review in 1979, the public library system was separated from the State Library and given equal status to assist development of public libraries in the State;

(c) The South Australian Museum is administered within the Department of the Arts. Similar to other major museums in Australian and overseas, it acquires and preserves collections, conducts research and conservation, and acts as an education (conducting, inter alia, a Travelling Education Service) and information centre for students and for the public. The Museum specializes in history, ethnology, natural history and geology. In addition to the State Museum, there are several specialist museums dealing with various aspects of heritage: political, social, nautical and rail;

(d) The protection of Aboriginal relics and of traces of early settlement in the State is administered by the Minister for the Environment under the Aboriginal Heritage Act 1988;

(e) The National Gallery of South Australia is a State Government department with a representative selection of Australian and European art. Staff undertake research and conservation. Public information programmes include film screenings, education-oriented travelling art exhibitions and regional tours of works from the collection;

(f) The Adelaide Festival Centre is the venue for a major biennial festival featuring local and overseas artists. The Regional Cultural Centres Act 1976-77 provides for the establishment of regional cultural centres;

(g) The South Australian Film Corporation produces feature films for cinema and television release and also enters into coproduction and investment arrangements with other producers. It has been involved in the production of many of the Australian films which have earned overseas acclaim. The Corporation encourages feature film and television production by providing studio and sound mixing facilities for rental.

Western Australia

(a) The Western Australian Arts Council is a statutory body charged with three specific functions: to enhance the standards of performance and execution in all aspects of the arts; to make accessible to the public of Western Australia all forms of artistic and cultural work; and to foster and maintain public interest in the arts and culture of the State. The Council undertakes these functions through the funding of arts organizations and events which could not operate or take place without financial support; a training programme through the State which includes performances, exhibitions and tutors; and a development and advisory service which encourages self-help while providing assistance from a central source. Funds available to the Council to enable it to exercise its functions include amounts appropriated by the State Parliament or made available by the Federal Government, amounts borrowed by the Council, and moneys which may be advanced by the Treasurer. The Council is affiliated with, and receives financial support from, the Arts Council of Australia (Federal Division);

(b) The Library Board of Western Australia was established to advise the Minister and local authorities on matters of general policy relating to libraries and to administer funds appropriated by the State Parliament. The State library service comprises the State Reference Library of Western Australia, which includes the State archives, the Central Music Library, the State Bibliographical Centre, and municipal libraries. These units are coordinated by the Board to provide an integrated and comprehensive library and information service throughout the State;

(c) The Western Australian Museum is mainly concerned with natural sciences and human studies with particular emphasis on Aboriginal archaeology, Aboriginal material culture, maritime technology, arms and armour. The Museum has an extensive educational programme catering for primary through to tertiary level classes. Under the provisions of the Aboriginal Heritage Act 1972, the Museum is responsible for administering the work of the Aboriginal Cultural Material Committee. The Act requires that the Registrar of Aboriginal Sites, the principal executive officer of the Committee, shall

be a member of the staff of the Museum. The main function of the Committee is to evaluate, record and preserve Aboriginal sites and specific traditional Aboriginal artefacts within Western Australia;

(d) The Western Australian Art Gallery displays permanent and touring exhibitions and houses conservation laboratories, a reference library and a film theatrette. It organizes touring art exhibitions within the State, such exhibitions being accompanied by Education Officers, and supplements these activities by publication and public information programmes.

Tasmania

(a) The Tasmanian Arts Advisory Board is appointed by the Minister for the Arts to advise on arts policy matters, the provision of financial assistance to organizations or individuals for arts projects;

(b) The State Library of Tasmania provides a comprehensive library and information service to all sections of the Tasmanian community. Its collections include a definitive collection of all books published in Tasmania, a large research collection relating to Australia, a collection of films, records and tapes on performing arts which are available for borrowing by individuals and organizations. The State Library services the State through region library systems. Under the Archives Act 1965 the State Library is the repository of official State records and also holds a considerable quantity of private records;

(c) The Tasmanian Museum and Art Gallery houses collections in the fields of fine and applied art, zoology, geology, botany, history, anthropology and applied science particularly relevant to the natural and human heritage of the State. In addition to its activities in collection, conservation and research, the Museum provides a programme of travelling exhibitions and a school education service.

Northern Territory

(a) In the Northern Territory, arts and cultural affairs are handled within an "Office of the Arts", responsible to the Minister for Education. It provides financial support to and coordinates cultural activity in the Territory;

(b) Museums and art galleries in the Territory, provided for in the Museums and Arts Galleries Act 1980, operate in Darwin and Alice Springs, and their collections concentrate on the human, natural and physical sciences and fine arts. Research is undertaken into the origins and provenance of the collections, both in the field and within the institution. Programmes include regional exhibitions, mobile displays and education programmes, both national and international. The Museums and Art Galleries Board is responsible to the Minister for Conservation;

(c) The Araluen Arts and Cultural Trust Act 1986 (now repealed) was concerned with providing the framework for the Trust to administer the Araluen Arts Centre, in Alice Springs. The assets of the Trust have been vested in the Alice Springs Council, which administers the Araluen Arts Centre;

(d) A State Reference Library facility has been in operation since 1980 and is the responsibility of the Minister for Education. All public libraries are run by the local councils under the auspices of the Local Government Act 1985 and are responsible to the Minister for Labour, Administrative Services and Local Government;

(e) The Strehlow Research Centre Act 1988 comes within the responsibility of the Minister for Conservation and provides the administrative framework for the Centre to take responsibility for the Aboriginal artifact collection of the late Professor Strehlow, in Alice Springs;

(f) A major section of the Local Government Act 1985 provided for the introduction and establishment of community government within the Northern Territory. To date, more than a dozen communities have been incorporated as part of the continuing programme and have elected representation providing basic services.

Australian Capital Territory

(a) Promotion and funding of cultural activities in the Australian Capital Territory (ACT) is administered within the Federal Department of the Capital Territory. An ACT Advisory Committee on the Arts advises the Minister for the Capital Territory on policy issues and recommends on grant allocations. The ACT is serviced by national museum institutions such as the Academy of Science and the Institute of Anatomy;

(b) As from 1 July 1981, administration of the Canberra Public Library Service was transferred from the National Library of Australia to the Department of the Capital Territory.

196. Two major non-governmental organizations in Australia, the Arts Council of Australia and the Australian Elizabethan Theatre Trust, operate very effectively to popularize cultural activity.

197. The Arts Council of Australia is an independent non-government, incorporated body. It has a unique structure of volunteer and professional networks throughout Australia. Each State and Territory has an autonomous Arts Council Division and a professional office in each capital city (except Tasmania where it is located in Devonport). There are 250 local branches primarily, but not exclusively, in country areas. The major functions of the Arts Council are to tour the performing arts to school and adult audiences in country areas; to tour exhibitions; to run weekend and vacation workshops in all aspects of the arts; and to stimulate and coordinate community arts activities. The Arts Council of Australia and its Divisions are funded by State and Territory Government arts authorities and the Australia Council.

198. The Australian Elizabethan Theatre Trust's major functions are to act as entrepreneur in the touring of theatre features from overseas and Australian sources and to provide general services in communication for theatre organizations. The Trust receives annual grants from the Federal Government through the Australia Council and from State and local governments. Earned revenue is supplemented by subscriptions and donations.

199. There are similar organizations operating in the fields of craft, visual art, literature and music. The history, structure and role of the Australian National Trusts are outlined below under clause (f) (paras. 270-305).

(c) Overall policy and special measures aimed at the promotion of cultural identity as a factor of mutual appreciation among individuals, groups, nations and regions

200. Australian culture encompasses urban environments similar to European cities, rural settlements, coastal townships and resorts and some inland settlements. Migration in the past 50 years has broadened society's ethnic base and enriched its culture.

201. Australia's cultural heritage derives from rich Aboriginal and Torres Strait Islander cultures and the cultures of subsequent migrations from other world regions. In recent years (and particularly with the Bicentenary of European settlement in 1988), there has been an upsurge in appreciation among Australians of their cultural diversity and richness. This has been further enhanced by growth in international tourism and associated evidence that Australia is regarded as a premier tourist destination due as much to its unique culture as to its natural features.

202. Federal, State and Territory tourism and cultural authorities are seeking to develop interest within the arts and tourism industries to more actively promote cultural tourism, that is, to promote tourism directed at enjoying aspects of the Australian culture in various regions. This can be expected to have a positive impact on mutual appreciation among the sectors of Australia's diverse society.

203. Over the years, a number of distinct aims have emerged in federal programmes in support of the arts. One is to improve and maintain traditional cultural activities associated with Australia's dominant Anglo-Celtic heritage and to make them more accessible to greater numbers of people. A second is to provide financial assistance to individual artists and craftsmen and to encourage more people to participate in distinctly Australian cultural activities. A third is to promote appreciation of the role and value of ATSI cultures and that of ethnic (non-Anglo) minorities. Government initiatives in support of these aims are discussed below (paras. 217-250).

204. The statutory functions of the Australia Council include fostering the expressing of a national identity by means of the arts and promotion of Australian culture overseas. The Australian Film Commission's international cultural programme embraces a range of activities including the presentation of new Australian programmes at international festivals, the curating of programmes designed to present particular aspects of Australian society through its cinema, the publication of books to accompany these programmes, and liaison with national film bodies in other countries.

205. In the 1980s, the AFC in conjunction with the former Department of Foreign Affairs, organized weeks of Australian films in Eastern and Western Europe, the USSR, China, the United States of America and the Asia Pacific region.

206. Internationally-acclaimed films and television drama produced with government assistance have done much to present Australian culture and society to a receptive Australian audience and to expand the international awareness of Australia as it is now, rather than in its pioneering days.

207. The Preservation of Movable Cultural Heritage Programme is designed to protect Australian heritage and movable cultural heritage objects and to support the protection by foreign countries of their heritage of movable cultural objects internationally and within Australia.

208. The Australian Heritage Commission is required to encourage public interest in, and understanding of, issues relevant to the national estate while the objects of such institutions as the National Library of Australia, the Australian War Memorial, the Australian Archives and the Australian National Gallery and the Museum of Australia all relate to promotion of awareness of Australia's heritage. A key component of training at the Australian Film, Television and Radio School is the expression by students of their personal, cultural and national identity through their work. Productions by students and graduates have won over 300 national and international awards and student films have been seen on television in several countries including the United Kingdom, France, Hungary, the Netherlands and Sweden.

209. Cultural exchange activities also assist in the development of Australian national cultural identity as well as foster international cooperation. Not only does international cultural contact by Australians provide access to the diversity and excellence of other cultures, but it also allows for the evaluation of Australian culture in a fresh light.

210. Government involvement in this aspect of cultural development has been essential in providing both the political framework in which exchanges can be negotiated and the necessary indemnities to secure the release of art treasures for exhibition in Australia. Formal cultural exchange agreements have been signed with countries in Europe, Asia and South America, although cultural relations are conducted with many other countries as well. Cultural exchanges have involved many aspects of culture, including education, film, museum, library, environment and art exchanges, the latter including exhibitions of crafts, visual art, Aboriginal art, performing groups, student, teacher and other cultural worker exchanges, book gifts and other literary activities. Exhibitions touring Australia have been diverse, ranging from large-scale archaeological exhibitions from China to important exhibitions of European paintings from art museums in America and the Soviet Union and specialized exhibitions of various art forms.

211. Local and overseas audiences have responded enthusiastically to the new perspectives of Australian playwrights, composers and performers, and as a result, Australian content occupies a significant place in the repertoires of major performing companies.

212. Artbank's rental programme means that considerable numbers of works of art by Australian artists are displayed in the public access areas of Australia's overseas missions, thus helping to disseminate around the world a view of Australia's life and people.

213. The Australian Government provided $4.8 million towards the planning and management of the 5th Festival of Pacific Arts held in Townsville from 14 to 27 August 1988.

214. Festivals of Pacific Arts are presented under the auspices of the Council of Pacific Arts, established by the South Pacific Commission to halt the erosion of traditional customary practices. They promote the maintenance of indigenous cultures in the Pacific region. The 5th Festival was the largest indigenous cultural event of its kind ever held in Australia.

215. Delegations from 24 nations visited Townsville for the 5th Festival and 1,760 dancers, musicians, artists and crafts-people provided large audiences with enjoyable and educational insights into the rich and diverse cultures of the indigenous peoples of the Pacific.

216. Overall, it may be said that national identity in Australia has been enriched by the manifest achievements in all aspects of Australian culture. In drama and dance and particularly in film, Australian achievements have received increasing national and international recognition. While imported cultural material - in both the visual and performing arts - retains a significant role in Australian cultural life, the importation of material is now integrated into a wider perspective. The process of achieving national identity is continuous, but, at the beginning of this decade, Australia possesses a much greater degree of self awareness, national pride and interest in human values than at the beginning of the last decade.

(d) <u>An indication of measures and programmes aimed at promoting awareness and enjoyment of the cultural heritage of national ethnic groups and minorities and of indigenous sectors of the population</u>

217. The concept of multiculturalism recognizes and values the racial and cultural differences which exist in Australian society; it rejects approaches which concentrate on integration and/or assimilation and seeks to promote the valuable contribution that diverse cultures can play in overall cultural development. Special programmes have been initiated by the Federal Government designed to strengthen the place of ethnic minorities in all cultural areas, with those likeliest to have the greatest impact being the initiation of ethnic radio and television services (see clause (e) below, paras. 251-267).

218. While multiculturalism in the Australian situation has a connotation restricted to cultural development among its ethnic minorities, the concept can be applied to the wider sphere of cultural development. The acceptance of ethnic and ATSI cultures on the basis of equality with the dominant culture is evidence of new sophistication in Australian culture. It indicates an emerging cultural pluralism which is crucial to democratic life.

219. In 1988, the Australia Council, in a further development of its work in the multicultural area, adopted <u>Arts for a Multicultural Australia</u> as one of its two special programmes. Multiculturalism as public policy encompasses government measures designed to respond to the cultural and ethnic diversity of contemporary Australia.

220. The Australia Council recognizes the right of all cultural groups to develop their own arts practice and not to be treated equitably in the allocation of resources for arts support.

221. The overall aims of the programme for the Australia Council are:

(a) To support the artistic activities of persons of non-English-speaking background;

(b) To support artistic activities which promote opportunities for intercultural understanding and interaction; and

(c) To encourage other major organizations involved in the arts to increase their support for the artistic activities of Australians of non-English-speaking background.

222. Formal links have been established with Ethnic Communities around Australia, specifically with the peak representative organizations of Ethnic Communities, that is, the Federation of Ethnic Communities Council (National) and all the State Ethnic Communities Councils, Migrant Resource Centres and ethno-specific community organizations.

223. The Australia Council has developed a comprehensive Information Strategy to assist people of non-English-speaking background in accessing the services and resources of the Australia Council. The strategy covers the mediums of Ethnic Radio, Ethnic Press, Ethnic Television, Australia Council Publication, Existing Publications, multi-lingual pamphlets, the updating of the Ethnic Arts Directory and Working with Interpreters.

224. The Australia Council is in the process of setting in place an Access and Equity Plan for people of non-English-speaking backgrounds. The Council employs a Programme Manager (multicultural) who has a Council-wide brief to oversee, monitor and support development for the programme: Arts for a Multicultural Australia.

225. The Council is committed to the principle of the participation of non-English-speaking background people in all the decision making mechanisms of Council and has developed criteria for the appointment of non-English-speaking background individuals to Council, Boards and Committees of Council.

226. The Federal Government recognizes the fundamental rights of Aboriginals and Torres Strait Islanders to retain their distinct social and cultural identities.

227. The Australia Council has provided the major vehicle for Commonwealth support to the Aboriginal arts since the establishment of an Aboriginal Arts Board in 1973. Since 1989, programmes of support to the Aboriginal arts have been administered by the Aboriginal Arts Committee which in 1990/91 had a budget of about $3.7 million for support to indigenous arts. The self-determination principles embodied in these arrangements have been reflected in the all-Aboriginal membership of both the former Board and the Aboriginal Arts Committee since their inception.

228. The Aims of the Aboriginal Arts Committee are as follows:

(a) To give Aboriginal and Torres Straic Islander peoples the means to control the development of their own forms of cultural expression;

(b) To stimulate developments in the arts where traditional cultural practices have been disrupted;

(c) To assist the best professional work to emerge in theatre, dance, music, painting, craft and other arts among Aboriginal Torres Strait Islander peoples;

(d) To assist programmes that increase participation by Aboriginal and Torres Strait Islanders in arts activities for Aboriginals and Torres Strait Islanders in arts-related occupations;

(e) To develop programmes designed to encourage the teaching and practice of Aboriginal and Torres Strait Islander cultures;

(f) To arrange cultural exchanges between Aboriginal and Torres Strait Islander peoples and the wider community;

(g) To use exhibitions, publications and films to educate the wider community about the value of Aboriginal and Torres Strait Islander art and cultures; and

(h) To encourage pride and knowledge of Aboriginal and Torres Strait Islander cultures among the wider community both in Australia and overseas.

229. Additional and complementary assistance to promote awareness and practice of Aboriginal and Torres Strait Islander cultural activities is provided within art and culture programmes of the Aboriginal and Torres Strait Islander Commission (ATSIC).

230. The National Library of Australia subscribes to the Federal Government's multicultural objectives and has identified within its collection development policy the need to develop, in conjunction with State Libraries and other appropriate groups, a general policy relating to the collection and bibliographic control of materials relating to, and in the languages of, countries from which Australia has derived significant numbers of non-English-speaking migrants.

231. In 1988, a conference in Melbourne entitled: New Responsibilities: Documenting Multicultural Australia prepared a submission to the Federal Office of Multicultural Affairs which recommended significant changes to the way in which our cultural collecting institutions reflect Australia's cultural diversity in their collections and practices.

232. As part of the National Agenda for a Multicultural Australia, the Federal Government responded to this submission by announcing that a committee would be formed to develop a plan for the future to coordinate efforts by collecting institutions to enhance their collections to better reflect Australia's cultural diversity.

233. The Committee included representatives from the three levels of government, the collecting institutions, ethnic communities, folklife and ATSI interests.

234. Elements included in the plan dealt with research and data collection; education and access; and raising awareness. The appointment of a consultant to assess the current activities in major collecting institutions was also recommended. Insearch Ltd., (the commercial arm of the University of Technology, Sydney), was appointed to carry out this survey which provided valuable information on which the Committee based recommendation for future action.

235. The Committee wrote to a broad range of Aboriginal, Torres Strait Islander and ethnic community groups asking for their views about the role and importance of these major cultural institutions as they relate to their specific cultural values.

236. The Committee's Plan developed as a broad strategy for all collecting institutions and ethnic community groups to work together, and as a blueprint for effecting change in attitudes and priorities within institutions. It was formally considered by the (Commonwealth/State/Territory) Cultural Ministers' Council in Hobart in July 1991, at which the Ministers:

(a) Accepted responsibility for communicating the Plan in their own areas;

(b) Agreed to provide annual reports for the next three years on their steps to implement the Plan; and

(c) Agreed to initiate an independent evaluation of the implementation in the fourth year.

237. The Commonwealth's Office of Multicultural Affairs (OMA), which was established in 1987 as part of the Department of the Prime Minister and Cabinet, also has the overall task of addressing the infrastructure of government and community institutions in Australia. In relation to cultural heritage and the arts, this involves assistance to expert "mainstream" authorities in developing their own multicultural policies and practices.

238. The Office of Multicultural Affairs ensured that a wide range of the issues affecting expression of arts and cultural heritage in a multicultural Australia were publicly canvassed by subsidizing the May 1991 edition of the arts quarterly magazine Artlink, which included detailed analytical contributions from key figures in the field. OMA is responding to this debate by launching a major review of access issues for artists of non-English-speaking background, which should be completed by late 1992.

239. Further details of the work of the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) and of the Aboriginal Arts Committee may be found above under clause (b) (para. 194, (xvi)) and under clause (d) (paras. 227-228).

240. Acceptance by the Federal Government and the State and Territory Governments of the concept of Australia as a multicultural society has had important implications for educational philosophy and programmes in Australia. The Commonwealth Schools Commission has expanded the provisions of the Migrant Education Programme which is aimed specifically at improving the English language competence of students from non-English-speaking backgrounds and to establish a complementary programme in Multicultural Education, whose purpose is to promote in all students an appreciation of the multicultural nature of Australian society.

241. Under the Federal Government's Multicultural Education Programme, funds have been made available to government and non-government schools in the States and Territories for projects such as teaching the languages of the various ethnic communities; inter-cultural studies and other activities aimed at encouraging respect for, and sensitivity to, different cultural backgrounds.

242. Two significant developments in the area of multicultural education were announced by the Federal Government in 1980. The first was a new programme to support classes run by ethnic communities to teach their particular language and culture, known as "ethnic schools". They are seen as making a valuable contribution to education by providing special instruction that may not be available in regular schools. Government support in basis of $30 per capita per year was recommended in a report entitled: Review of Multicultural and Migrant Education by the Australian Institute of Multicultural Affairs. To qualify for the grant, a school is required to meet certain criteria, including being open to any student, regardless of ethnic background, and being a non-profit-making concern.

243. The second development is the Government's decision that new courses in community languages should be made available in universities or colleges of advanced education. The Tertiary Education Commission has considered a recommendation by the Australian Institute of Multicultural Affairs in its Review of Multicultural and Migrant Education and is concerned that development should be sufficiently concentrated to produce worthwhile results.

244. Because of the considerable number of refugees, particularly Indo-Chinese refugees, accepted by Australia in recent years, the Federal Government is continuing to make additional funds available to State and Territory education systems for transitional services to help the children of these families adjust to life in Australian schools.

245. The Federal Government's policies in ATSI education seek to ensure that full education opportunities are available to all ATSI people. People of Aboriginal and Torres Strait Islander descent comprise about one per cent of the Australian population. Their participation in the Australian education system beyond the compulsory years is an area of considerable concern. However, an increased number of Aboriginal students is now receiving assistance to continue with secondary and post-secondary education, training and overseas study. Further details of ATSI programmes are provided under chapter I, section D (paras. 65-66), section E (paras. 102-104) and section F (paras. 115-116).

246. The Government's temporary residence programme allows for the entry of people across a broad range of categories which will provide valuable economic, social, cultural, international and bilateral benefits to Australia.

247. Outside those categories of entrants who will benefit Australia economically, it is recognized that to develop fully its special capacity, Australia's diverse community depends on amongst other things, access to a range of international sporting, entertainment, social and cultural activities.

248. The Government's temporary entry policy is sensitive to these needs and is designed to meet these demands as well as promote minority cultures. Two examples are the entry of religious workers and foreign language/culture teachers.

249. The right to freedom of choice in religion is recognized by facilitating the entry of religious workers to cater for the spiritual needs of communities, provided entry will not result in community divisiveness or financial cost to the broader Australian community.

250. Foreign language/culture teachers are sponsored by foreign government agencies in Australia and can be employed to work directly with students in ethnic schools, or alternatively they can be employed to train urban and rural community teachers to develop curriculum material. The curriculum followed by Greek teachers covers Greek language, culture, religion, singing and dancing.

(e) A description of the role of mass-media and communication media in promoting participation in cultural life

Radio and Television services in Australia

251. Broadcasting in Australia is administered by the Federal Government under the Broadcasting Act 1942 and the Australian Broadcasting Corporation Act 1983.

252. There are currently three sectors of broadcasting in Australia:

(a) The national sector comprising: the Australian Broadcasting Corporation (ABC) and the Special Broadcasting Service (SBS). The ABC is funded by, but independent from, the Federal Government. The ABC provides a national television service and five radio services. The SBS provides multilingual radio services and one television service in the major cities. The SBS is primarily funded by the Federal Government with some additional revenue from sponsorships;

(b) The commercial sector comprising radio and television stations operated by licensees with a view to making a profit; and

(c) The public sector comprising radio stations operated by non-profit organizations and licensed to serve a designated or special interest section of the population.

253. The ABC has traditionally played a central role in sustaining and developing Australian cultural life. It remains a powerful force in shaping the Australian national identity and maintaining a democratic and pluralist society. The ABC is required under its Charter, as set out in the federal Australian Broadcasting Corporation Act 1983, to provide innovative and comprehensive radio and television services which inform and entertain all Australians. Around 85 per cent of Australians regularly make use of ABC services.

254. ABC programming, across the five radio services and the national television service, serves a diverse range of interests, providing independent news and current affairs, and programming in the areas of arts and fine music, science, education, sport, a national youth network and more. The ABC plays an important role in the development and promotion of Australian artistic talent. The ABC works with Aboriginal and Torres Strait Islander broadcasters, particularly in remote Australia, in the broadcast of ATSI languages programme material and by providing training and access to ABC production facilities.

255. In addition to its national broadcasting role, the ABC has the responsibility for six State symphony orchestras. The orchestras tour regularly both in Australia and abroad and perform in co-ventures with Australian opera and ballet companies. The ABC also records and markets orchestral and chamber groups' performances.

256. The ABC receives around $500 million per annum (1991-1992) in Federal Budget funding but also earns additional revenue from the orchestras and operation of a number of shops which market ABC related products. The ABC is prohibited from accepting commercial advertising and sponsorship on its television and radio stations.

257. Broadcasting in Australia is substantially diversified by the Special Broadcasting Service (SBS). The SBS's role is to provide multilingual and multicultural radio and television services that inform, educate and entertain all Australians, and in doing so reflect Australia's multicultural society. SBS radio broadcasts multilingual radio programmes in over 40 languages in Sydney and Melbourne and nearby cities.

258. The SBS television service produces some of its own English language programmes and also provides quality imported non-English-language programmes which are made accessible to the general Australian audience through English sub-titling.

259. Australia sees radio and television as important in the retention and development of a multicultural society. The SBS has a particular role in facilitating understanding between communities and in assisting with the settlement of migrants. Multilingual programmes provide Australians of non-English-speaking backgrounds with entertainment, information and news in their first languages. Community service announcements in languages other than English on radio and television impart information on government programmes and services.

260. In addition to serving the information and entertainment needs of Australians of non-English-speaking backgrounds, the SBS has also helped the wider Australian community better understand, accept and value cultural and linguistic diversity, and increased Australians' awareness of the world by providing an international and regional perspective.

261. ABC and SBS employment practices ensure employment opportunities for Aboriginals and Torres Strait Islanders, women and persons of non-English-speaking backgrounds.

262. The bulk of the most popular entertainment material is provided by commercial broadcasters. Commercial stations are funded primarily from advertising revenue earned from the sale of advertising time. The Broadcasting Act 1942 places strict controls on the ownership or control of such stations. This prevents domination of TV or radio by any one person, although it may not automatically ensure diversity of opinion.

263. The development of public broadcasting has fulfilled a need for greater diversity in Australian broadcasting. There are now over 100 public radio stations operating in Australia with many more aspirant groups awaiting consideration of their licence applications by the Australian Broadcasting Tribunal. The Government is currently considering the introduction of public television which will offer participation in a medium that has often had restricted access.

264. Through community and special interest stations, public radio offers a wide range of programming. Community stations seek to serve the whole community through encouraging interaction, participation and as much access as possible to disadvantaged and minority groups. Special interest stations reflect specific community interests such as ethnic, ATSI, print handicapped and educational broadcasting.

265. Ethnic public radio is a strong and successful element of the sector. It introduces people from different nations to Australian society, offers them a voice and encourages them to maintain their own cultural identities. Over 600 hours per week of ethnic radio programmes are currently broadcast in 40 different languages with four (soon to be five) stations broadcasting full-time ethnic programmes. Additionally, the Government is soon to commission production of a nationally networked ethnic radio news service.

266. In recent years there have been a number of significant developments in ATSI broadcasting. Across Australia, 29 community public radio stations make time available for Aboriginal and Torres Strait Islander groups to provide programmes for indigenous people and the general community. Two public radio stations are owned and operated by ATSI people and three more ATSI owned and operated stations should be licensed in 1992. Over the next three years, further additional ATSI broadcasting stations will be licensed. The prospective licensees are currently broadcasting regularly on the ABC or on public radio stations.

267. The implementation of the Government's Broadcasting for Remote Aboriginal Communities Scheme (BRACS) has allowed 83 Aboriginal communities in the remotest parts of Australia to receive satellite broadcasts of ABC and

commercial television, as well as a variety of radio services. A unique feature of the BRACS equipment is the facility for each community to switch off the incoming programming if it is deemed to be inappropriate for local audiences and to replace it with more culturally suitable programming. Many BRACS communities now generate their own radio and television programming for broadcast locally. Initiatives for the exchange and replay of this material between communities are under way.

Newspapers

268. The print media is not subject to specific federal regulation. State regulation of the print media relates only to company registration and trademarks. All newspapers and other print publications have freedom of expression within the normal provisions of Australian law. However, there is legislation in place to regulate media ownership and thereby prevent monopolization of the media.

269. Newspapers in Australia are published in the English language and in a number of other languages. Over 80 newspapers in languages other than English provide many members of ethnic communities with news and information about Australia and their countries of origin. For many migrants, their own press has been a powerful tool in the settlement process. At present, total sales of ethnic newspapers exceed 500,000 per issue.

(f) Overall policy and specific measures aimed at the preservation and presentation of mankind's cultural heritage

Preservation of historical structures

270. The preservation of historic structures and buildings in Australia is effected through the work of the Federal Government and State and Territory Governments, local governments, private individuals and organizations, and the National Trust bodies.

271. The National Trust bodies were founded to further the conservation of lands, buildings, works and articles which are of national importance because of educational, aesthetic, historic, architectural, artistic, scientific, cultural or other special interest. The first National Trust, the National Trust of Australia (New South Wales), was formed in 1945. Since then, National Trusts have been formed in each of the other States, the Northern Territory and the Australian Capital Territory.

272. Membership of the National Trusts is open to all individuals and organizations. Total membership throughout Australia is approximately 85,000. The Trusts are financed by members' subscriptions and donations from individuals, commercial and industrial organizations; the proceeds of charges for entry to Trust properties; and the fund-raising activities of members, including inspections of historic buildings and towns, archaeological sites and places of natural beauty.

273. The Australian Council of National Trusts was incorporated in 1965 to coordinate the activities of the State National Trusts and represent them at federal and international level. The Federal Government supports the National Trust bodies through annual grants for administrative purposes.

274. The State Governments also assist in the funding of National Trust organizations in addition to cooperation with the Federal Government in the administration of the Federal Government's National Estate Programme. All States and Territories have, or will soon introduce, heritage legislation specifically for the protection of historic buildings and sites, including establishment of State registers of heritage items.

275. In New South Wales, the New South Wales Heritage Act 1977 provides for a system of control measures (mainly conservation orders) to protect buildings, relics and places. The Heritage Council of that State advises the relevant Minister on these matters and keeps a record of places subject to formal conservation action. The NSW Department of Planning is responsible for administrative machinery. (This Department is also responsible for administering the Federal Government's National Estate Programme in New South Wales.)

276. In Victoria, the Victorian Historic Buildings Act 1981 establishes a register of historic buildings, which is added to or amended by the Governor-in-Council. The Minister for Planning in Victoria is advised by this Historic Buildings Preservation Council concerning the register. The Council itself has power, not only to control alterations to buildings on the register, but to serve interim preservation orders on other buildings. (Only a few hundred buildings are on the register at present.) The Council has operated a small grants programme in the past, but changed to a loans programme. The Victorian Ministries of Conservation, Forests and Lands, and Planning and Environment administer all the State environmental programmes (e.g. National Parks, environment protection, pre-history studies) and the National Estate Programme.

277. In South Australia, the South Australian Heritage Act 1978 provides for a Register of Heritage items, designation of Heritage Areas, a Heritage Fund, protection of registered items and establishment of a Heritage Committee. The South Australian Department of Environment and Planning is responsible for administration of these activities in addition to the National Estate Programme.

278. In Queensland, the Heritage Buildings Protection Act 1990 was passed. The National Estate Programme is administered through the Department of Environment and Heritage which also administers the Queensland Heritage Grants Programme.

279. In Western Australia, the Heritage of Western Australia Act 1990 was passed. A Heritage Committee is responsible for administering the National Estate Grants Programme.

280. In Tasmania, legislation was introduced into Parliament in late 1990. A Heritage Committee administers the National Estate Grants Programme.

281. In the Northern Territory, heritage legislation has been drafted. There is a National Estate Grants Programme and Northern Territory Heritage Grants Programme. The National Trust (Northern Territory) Act 1986 brought the Northern Territory into line with the rest of Australia. There is a National Estate Grants Programme and Northern Territory Heritage Grants Programme.

282. In the Australian Capital Territory, legislation has also been drafted. The ACT Heritage Committee advises on all heritage matters in the ACT and administers the National Estate Grants Programme.

283. All States and Territories provide funds for Prehistory (ATSI) studies, conservation and interpretative works. There is legislation in New South Wales, Victoria, Queensland, South Australia, Western Australia, Tasmania and the Northern Territory to preserve Aboriginal relics and sites. In general, these statutes empower an authorized person to declare and protect sites of historic, anthropological, archaeological or ethnographic interest, and establish advisory bodies to monitor implementation of the legislation and advise Governments on related matters. The Federal Government monitors development of State and Territory legislation in this field and has advised State and Territory Governments on matters related to the protection of Aboriginal sacred sites.

284. The Aboriginal and Torres Strait Islander Protection Act 1984 (Cwlth) was enacted to preserve and protect by declaration: places, areas and objects, including skeletal remains, which are of particular significance to Aboriginals and Torres Strait Islanders in accordance with their traditions, and which are under threat of injury or desecration. The Act binds the Crown and is not intended to exclude or limit the operation of a law of a State or Territory that is capable of operating concurrently with it.

285. At the request of the Victorian Government, the Act has incorporated into it relevant provisions for the preservation of Aboriginal cultural heritage in Victoria.

286. Aboriginal and Torres Strait Islander peoples have been at the forefront in seeking to have returned to their ownership culturally significant material in Australian and overseas collections. In February 1990, the Australian Aboriginal and Torres Strait Islander Affairs Council (AATSIAC) resolved that a national approach be developed on the return from overseas of significant Aboriginal and Torres Strait Islander cultural material, particularly skeletal remains. The AATSIAC proposed that this policy be developed by a task force of State, Territory and Commonwealth officers. The task force includes in its membership representatives of ATSI organizations throughout Australia.

287. The AATSIAC in December 1990 adopted an interim policy which reads:

> "Aboriginal and Torres Strait Islander people should be given rights of ownership over Aboriginal skeletal remains (including tissue material), burial artefacts, and objects having religious and cultural significance in accordance with Aboriginal tradition, which are at present in the possession of museums, universities, and other research centres and collecting institutions."

This policy has been transmitted to Australian authorities responsible for collecting institutions in the States and Territories.

288. The Australian Government, through its High Commission in the United Kingdom, is also in touch with institutions such as the University of Edinburgh which, together with the Aboriginal and Torres Strait Islander Commission in Canberra, has recently secured the return to Aboriginal and Torres Strait Islander ownership, a collection of remains totalling some 300 pieces. Assistance is also being provided through Federal Government and State and Territory Governments to Aboriginal organizations wishing to house cultural material in their possession, and a number of collecting institutions are providing material to such organizations on a permanent or long-term loan basis.

International cooperation

289. As part of Australia's involvement in the preservation of the world's cultural heritage, the World Conservation Strategy was launched in Australia in 1979 and an Australian committee operates in relation to the United Nations Educational, Scientific and Cultural Organization (UNESCO), World Heritage Convention.

290. This committee coordinates contributions to the World Heritage Committee. The latter was established in 1976 to ensure the implementation of the UNESCO Convention. Australia's first three sites nominated for inclusion on the World Heritage List were Kakadu National Park (Stage 1), the Great Barrier Reef Marine Park and the Willandra Lakes National Park in western New South Wales. They were accepted at the World Heritage Committee meeting hosted by Australia in 1981.

291. With Australia's accession to the World Heritage Convention, the Australian National Commission for UNESCO has given priority to supporting UNESCO programme activities in Australia's geographic region. These activities involve anthropologists, museum and gallery directors, educators, scientists, communication experts, artists and crafts people, and community and social workers.

292. As far back as 1978, Dr. James Specht, of the Australian Museum's Anthropology Department, Sydney, represented the Australian National Commission for UNESCO at a meeting of experts in Dakar, Senegal, to define terms of reference, policies and working methods for an intergovernmental committee on the restitution of cultural property. This committee was approved by UNESCO's General Conference in Paris that same year.

293. A National Commission seminar on Conservation of Cultural Material in Humid Climates (1979), attracted participants from the Cook Islands, Fiji, Indonesia, Papua New Guinea, Malaysia, New Zealand, the Philippines, Singapore, the Solomon Islands and Thailand.

294. A major recommendation of the seminar concerned the need for training facilities in the region. At the twenty-first session of the UNESCO General Conference, support was obtained by Australia for the designation of the then

Canberra College of Advanced Education (now the University of Canberra), as a Regional Conservation Centre. The Centre now provides services for the Asia-Pacific region in areas such as education and training, documentation and library facilities, conservation information, materials testing and evaluation, applied research and analytical facilities. Fellowships to enable people from the region to attend short-term courses at the Centre are made available by UNESCO.

295. The preservation and presentation of Australia's cultural heritage is closely connected with measures to promote the nation's cultural identity (see clause (c) above, paras. 200-216). It is included among the fundamental aims of the school system.

296. In the tertiary sphere, the vital role of universities in providing an independent community of scholars committed to guarding intellectual standards and intellectual integrity in the community was described as follows in the 1957 Report of the Murray Committee on Australian Universities: "A good university [is] the best guarantee that mankind can have that somebody, whatever the circumstances, will continue to seek the truth and make it known".

297. Another important means for the preservation of cultural heritage is in the sphere of non-formal education. Along with the expansion of Australia's formal education system during the 1970s came a growing recognition of the role of less formal means of education which serves particular needs of groups in the community for further education, adult education and continuing education - which contribute to the cultural and intellectual life of Australian society. Non-formal education programmes are organized often through community groups and clubs which are largely maintained by members and by voluntary support from within a community.

298. Continuing education services are provided by universities, colleges of advanced education and by technical and further education (TAFE) institutions.

299. Other activities relevant to the preservation and presentation of cultural heritage within Australia (such as archives, libraries, galleries and museums), are outlined under clause (b) above (paras. 194-199).

300. The Australian National Commission for UNESCO has organized a number of workshops and discussions around the theme of preserving the cultural and natural heritage.

301. An active participant has been Dr. Lyndel Prott, a recognized world expert on international law relating to cultural property. Until recently, Reader in Jurisprudence at the University of Sydney, Dr. Prott is now Head of the International Standards Section of the Cultural Heritage Division of UNESCO (Paris).

302. One of Dr. Prott's major objectives will be to stop the illicit international traffic in cultural objects. She also administers UNESCO's World Heritage Convention.

303. In addition to the three original sites mentioned above (para. 290), Australia has since added Kakadu National Park (Stage 2), and a further four sites to the World Heritage List: the Tasmanian Tropical Wilderness, the Australian East Coast Temperate and Sub-Tropical Rainforest Parks, Uluru National Park and the Wet Tropics of Queensland.

304. In 1989, the National Library of Australia joined the International Federation of Library and Information Associations and Institutions (IFLA), the Preservation and Conservation Core Programme (PAC), as a regional PAC centre for Oceania/Asia.

305. The Library is involved in international cooperation with our near neighbours in a number of projects. For example, in January 1989 the National Library, in conjunction with the then Canberra College of Advanced Education, organized a two week regional seminar on the conservation and preservation of library and archive collections in a tropical environment. The seminar, which was supported by UNESCO, was attended by delegates from 13 Pacific countries.

(g) Legislation protecting the freedom of artistic creation and performance, including the freedom to disseminate the results of such activities, as well as an indication of any restrictions or limitations imposed on that freedom

306. Australia recognizes and upholds the right to freedom of expression and the right to seek, receive and impart information and ideas in all spheres of activity. Some restrictions are necessary, however, in order to protect the rights of other persons who may be affected by these activities. These restrictions are listed hereunder.

The Law of Defamation

307. The law of defamation protects persons against publications (and utterances) which unjustly diminish the reputation of the person involved.

Public order

308. The effective use of the freedom of expression is affected, to some extent, by the laws of the various Australian jurisdictions that regulate public assemblies and behaviour in public places.

Copyright

309. The freedom to receive and impart information and ideas propounded by other persons may be controlled to some extent by the provisions of the federal Copyright Act 1968 which enables the creator of an article or other work, such as a book, film or sound recording to control the distribution, attribution and sale of his or her creation, thereby enabling the author to obtain a recompense for his or her creativity. (The provisions of this legislation are dealt with in more length under section C below (paras. 363-370).)

Censorship legislation

310. Films and some other publications, which are deemed to be obscene or indecent, may be controlled where considered necessary under federal and State legislation. In particular, the Federal Customs (Prohibited Imports) Regulations prohibit the importation, unless permission in writing is granted, of goods that "whether of their own nature or having regard to any literary or other work or matter that is embodied, recorded or reproduced in, or can be reproduced from, the goods - are blasphemous, indecent or obscene; or unduly emphasize matters of sex, horror, violence or crime, or are likely to encourage depravity, and to advertising matter relating to such goods". In addition, there is federal legislation to control importation of films and their review by a Censor and a Censorship Board. All jurisdictions regulate for themselves objectionable matter published or sold within the particular State or Territory.

Regulation of the media

311. The federal Broadcasting Act 1942 empowers the Australian Broadcasting Tribunal to determine rules which affect the content of broadcast programmes, for example to ensure standards of decency and of production and a minimum Australian component.

Discrimination

312. Incitement for acts proscribed by the federal Racial Discrimination Act 1975 is also unlawful. The acts made unlawful are acts of discrimination based on race, colour, descent or racial or ethnic origin that have the purpose or effect of impairing the equal enjoyment of human rights or fundamental freedoms in all fields of public life. Anti-discrimination legislation in some Australian States also prohibits the incitement of acts made unlawful under that legislation, typically acts of discrimination based on sex or marital status.

313. In addition, under the federal Crimes Act 1914, threatening, abusive or insulting words uttered in a public place may constitute the indictable offence of sedition if engaged in with the intention of promoting feelings of ill will and hostility between different classes of Her Majesty's subjects so as to endanger the peace, order or good government of the Commonwealth.

(h) Information on professional education in the field of culture and art

314. A small number of specialist training institutions concerned solely with the training of professional performers or artists in their particular field are funded by the Federal or State Governments: the National Institute of Dramatic Art, the Australian Ballet School, the Australian Film, Television and Radio School, the Victorian College of the Arts, the Sydney College of the Arts, State Conservatoria of Music and others. Some make a unique national contribution, while others have an important role at State and Territory level, as well as contributing nationally. In addition, professional training

in the arts is provided in numerous tertiary education institutions, informal training programmes administered by the Australia Council and individual cultural institutions.

315. Many informal training schemes are financed through programmes administered by the various Boards of the Australia Council. Some are designed to improve skills of persons who have professional status, others to transmit or develop skills. Programmes include placement of trainees with master craftsmen or other established professionals; an artist-in-residence scheme which provides for a period of residence by professional arts practitioners in tertiary institutions, galleries, museums, performing arts companies and community organizations, with costs shared between the appropriate Council Board and the host institution; training tutors for community arts programmes; and various specific projects assisted on the merits of programme proposals and within the constraints of available funds. Like the Australia Council, the Australian Film Commission, through its Cultural Activities Program, provides assistance for informal training programmes to be administered as part of the work of its assisted organizations. These programmes are low key and complement the more sophisticated work of the Australian Film, Television and Radio School and post-school educational institutions.

316. Universities and colleges of advanced education provide a variety of degree and diploma courses in such fields as fine arts, the performing arts, crafts, film and television and creative writing. Furthermore, studies in these areas may be incorporated within teacher training courses such as Bachelor of Education degrees, Diplomas in Teaching, or may be combined with an add-on postgraduate teaching qualification such as the Diploma in Education.

317. In the past decade, much has been achieved. The States and Territories generally support this initiative. Activities such as conferences, seminars and publications promote the operation and development of Education and Arts Programmes. Each State and Territory has its own Education and Arts Advisory Committee working in close coordination with local educational authorities. State and Territory Education and the Arts Advisory Committees coordinate planning and research, local seminars, publication of newsletters and information kits.

318. The Australia Council initiated the Artists in Schools Programme in 1978 as a three year pilot project. In general, the scheme successfully achieved its objectives, which were, primarily, to stimulate an interest in and understanding of the arts within schools through personal contact with practising artists. The scheme was also favourably received by educational authorities, many of whom are sharing the costs of the scheme as well as accepting responsibility for its implementation at the State level. In 1988-89, the Australia Council provided $34,550 for the Artists in Schools Programme.

319. The 1985 report: Review of Arts Education and Training conducted under the auspices of the Commonwealth Tertiary Education Commission and the Australia Council examined arts education and training at tertiary level in the fields of the visual and performing arts. The report considered a number

of major issues including the adequacy of present provision, geographical distribution of courses, the education/training balance in courses, and access and participation by disadvantaged groups. Many of its recommendations are being implemented.

320. The Australian Film, Television and Radio School (AFTRS) aims to develop new and emerging talent and to provide working professionals with opportunities to gain additional skills not available in their employment. Available courses at AFTRS are:

(a) A three-year degree programme leading to the award of Bachelor of Arts (Film and Television);

(b) Specialist extension courses from six months to one year in scriptwriting, production design, editing, sound, producing and cinematography;

(c) A six-month course in commercial radio;

(d) Industry short courses and seminars in a variety of specialist subjects; and

(e) A Graduate Diploma in Media conducted in cooperation with tertiary institutions throughout Australia.

321. The degree programme is vocationally based and professionally oriented. Training is designed to form an intellectual and artistic framework for the development of skills in film and video production. The degree course provides specializations in sound, editing, directing, producing, production design, cinematography and scriptwriting.

322. The School accepts 16 students into the degree course each year. The School sets no educational prerequisites for entry. This policy reflects the School's interest in primarily encouraging applications from people with creative ability and not necessarily academic achievement.

323. Specialist extension courses are aimed at professionals already working in a particular specialization who wish to expand their skills through intensive training. The content of training in all specializations varies in accordance with the needs and abilities of the student. Around 30 applicants are selected for extension courses each year. Students accepted into the degree course or extension courses of six months or more are eligible for a student allowance provided by the School.

324. Radio training at the School ranges from an intensive six-month full-time course to short courses and regional workshops. The full-time course is designed to produce graduates who will be able to join the workforce of the Australian commercial radio industry. Twelve students are admitted into the full-time course each year.

325. The Industry Programme conducts courses, seminars and workshops throughout Australia. These training activities allow industry professionals to upgrade or learn new skills in film, television and radio without undertaking full-time study.

3. Factors involved and difficulties encountered

326. Torres Strait Islanders recognize that due to their small population size, the risk of losing their culture and languages is relatively high. There is a need to secure ownership of cultural properties in the Torres Strait. The focus has been concentrated on allowing the culture to be recorded and archived for future reference and preservation, rather than revitalizing that culture. Australia's federal and State legislation generally provides protection based on sites of significance to Australia's indigenous peoples, rather than traditional artefacts. The federal Protection of Movable Cultural Heritage Act 1986 introduced shifts within the Federal Government to enable control and conservation of items within Australia.

327. Further protection is required for the right of ownership of traditional dancing, art, singing, stories, symbols, languages, medicine and literature. Certain traditions, such as food gathering practices, have been exempted from legislation to allow Torres Strait Islanders to supplement their traditional intake with traditional dietary food. A recommendation was made by the Torres Strait Islander Advisory Board to establish a cultural centre in the Torres Strait for the archiving of literature, storage and collection of artefacts and implementation of cultural education programmes.

328. While there has been much cultural development in the past two decades, a high degree of dependence on Government funding and initiative has created a certain vulnerability. The Statistical Advisory Group of the Cultural Ministers' Council has developed a Cultural Statistical Framework for the culture-leisure industry. This framework, adopted by Federal, State and Territory agencies, consolidates data on the creators, producers and consumers of cultural goods and services, and demonstrates the social and economic impact of cultural activities in the community. This data also provides a frame of reference for future policy consideration.

B. Right to enjoy the benefits of scientific progress and its applications

1. Principal laws, administrative regulations, collective agreements and court decisions relevant to the promotion of the right of everyone to enjoy the benefits of scientific progress and its applications, including those aimed at the conservation, development and diffusion of science

329. In Australia there are a large number of Federal, State and Territory laws, regulations, agreements and court decisions which relate to the benefits of scientific progress and its application. These laws and agreements are discussed below under relevant sections dealing with specific rights identified in the Guidelines for Article 15 of the Covenant.

2. Measures taken to ensure the application of scientific progress for the benefit of everyone, including measures to promote a healthy and pure environment and information on the institutional infrastructures established for that purpose

330. In May 1989, Australia set up the Prime Minister's Science Council and the Coordination Committee on Science and Technology to ensure that the coherence of policy is maintained and that Government science and technology objectives are achieved efficiently.

331. The 1991-92 Science and Technology Budget Statement provides an account of federal programmes. A detailed description of federal, State and Territory commercial and private institutions established in Australia for the conduct, dissemination and application of scientific research may be found under section E, subsection (4) (paras. 427-444).

332. One of the concerns of the Federal Government is to ensure that disadvantaged groups and people with special needs are taken into account in national scientific and technological programmes. In Australia's report concerning rights covered by Articles 10-12 of the International Covenant, some Australian measures to apply scientific progress in improvement of food quality, nutrition, health, housing and water supply, and environmental hygiene for the Australian ATSI communities were outlined.

333. Additional measures to assist ATSI Australians in the field of science and technology have included a special research programme funded by the former federal Department of Aboriginal Affairs which among other aspects examined the development of appropriate technologies for ATSI communities, including, for example, the concept of solar-powered bore pumps. It should be noted that as a general principle, the Aboriginal and Torres Strait Islander Commission attempts to ensure that ATSI interests are taken into account in Australian research activities.

334. Turning to other areas where Federal Government programmes in the field of science and technology seek to assist disadvantaged groups, the Department of Transport and Communications' research activities in recent years have been principally concerned with the development of a domestic communications satellite system in Australia which will particularly benefit the population in remote and isolated areas.

335. The Federal Government also conducts research and development programmes of particular relevance to disabled people, such as the Department of Veterans' Affairs research programme on improving artificial limbs. Other federal agencies (such as the Department of Social Security) provide grants to non-government bodies, including universities, to perform specific research tasks in aspects of rehabilitation and services for the disabled.

336. The Institute of Child Health within the Federal Department of Health is similarly concerned with the extension and application of medical science to problems of particular concern to children.

337. As far as the environment is concerned, day-to-day responsibility for environmental matters in Australia rests with the States and Territories. All

States and Territories have established administrative and legislative frameworks for carrying out these responsibilities. Most States have created specific agencies with appropriate regulatory powers to enable implementation of environmental protection policies. Mechanisms generally exist to enable advice to be provided to Governments from a variety of official and community sources.

338. Federal Government responsibilities concerning environment and conservation are focused through the Department of the Arts, Sport, the Environment, Tourism and Territories which provides support for the Australian National Parks and Wildlife Service, the Great Barrier Reef Marine Park Authority, the Office of the Supervising Scientist, and the Australian Heritage Commission.

339. The primary piece of legislation is the federal Environment Protection (Impact of Proposals) Act 1974, the object of which is to ensure, to the greatest extent practicable, that matters affecting the environment to a significant degree are fully examined and taken into account in and in relation to decisions taken by or on behalf of the Federal Government. The Act was amended in 1987 to broaden the scope of public documentation and public participation in environmental impact assessments under the legislation.

340. Departmental programmes on air and marine quality, assessment and management of hazardous chemicals, nuclear developments, waste management and recycling, and environmental research and education seek to coordinate and stimulate action at the national level.

341. Consultative mechanisms exist through Councils of appropriate State and federal Ministers and various advisory bodies. In addition, Committees of both Houses of the Federal Parliament have been established to inquire into environmental matters. Public submissions are sought and the Government is required to respond formally to committee reports and recommendations.

342. In some cases, legislation has been developed to achieve programme objectives. For example, the Ozone Protection Act 1989 (Cwlth) provides the basis for ratifying the Montreal Protocol and also for a suite of measures to control uses of ozone-depleting substances in Australia. State and Territory Governments are also introducing legislation to complement the federal legislation in specific areas.

343. Climate change leading to raised sea levels, flooding of coastal cities and low lying islands, or the alteration of natural ecosystems and agricultural zones, would almost certainly be accompanied by social and economic dislocation. National and international efforts to understand the processes and consequences of greenhouse-induced climate change are actively supported by the Federal Government, which is funding research and developing responses to the likely effects of climate change. Australia is also making a significant contribution to each of the Working Groups established by the Intergovernmental Panel on Climate Change.

344. The Federal Government is also examining the environmental impact of assistance being provided to developing countries. This is with a view to

ensuring that short term benefits do not result in long-term depletion in the quality of the recipient's environment, and consequently their economic and social welfare.

3. An indication of measures taken to promote the diffusion of information on scientific progress

345. There are a variety of means by which information on scientific progress is diffused and promoted in Australia:

Education

346. Australia is a highly developed technological society and education is required for further technological development. In 1980, the CITCA Report commented that "the long-term ability of the Australian community to maximize the benefits of technological change and to minimize adverse consequences is crucially dependent on the provision of appropriate education and training for all members of the community".

347. Rapid developments taking place in both science and technology raise questions of how much experts and non-experts need to know about new areas. A principle which seems to enjoy continued support in Australia is that while technology is clearly of immediate importance to anyone who is to work in a technological area, the study of science and technology also offers a broad perspective and enables the technologist and others to become aware of general trends and so develop an adaptability to scientific and technological advances.

348. The place of science and technology in the school curriculum is presently the subject of reconsideration in Australia. In primary education, the general elementary programme includes mathematics and elementary (or natural) science. In secondary education, mathematics and science are part of the core subjects studied by junior students, but senior students have a wider subject choice and fewer core subjects. Australia, like many other countries, has experienced a drift away from science and mathematical studies at both secondary and tertiary education levels, although the reasons for this are complex. Concern has also been expressed about the number of girls who decline to pursue mathematical and scientific studies at matriculation level and beyond (see para. 64).

349. The Australian Film Commission's New Image Research Programme is designed to encourage a synthesis of technological developments in the film, video, television and computer industries, and the imperative to produce moving images. Typically, support is won by exemplary low budget film, video and computer graphics projects which represent a broad range of practice from experimental Super 8 films to sophisticated computer-based imagery. The increasing number of video and electronic arts festivals in Australia and overseas provide opportunities for the exhibition of completed work and intensive discussion of the implications of the most recent technological developments for visualization.

350. Non-formal education occurs in the wider community through a variety of means, including radio, television, the press, popular magazines and

publications, scientific journals and public libraries, and contributes to a higher level of community knowledge about scientific progress and technological applications. Further education provided by Australia's widely dispersed 900 or so TAFE institutions also plays an important role in the diffusion of scientific knowledge.

Libraries

351. Libraries and library-based information services are operated by State and regional authorities. Their role in the diffusion of scientific knowledge is supplemented at the national level by the National Library of Australia (NLA) established by the Federal Government. The NLA in cooperation with other institutions, contributes actively to the development and coordination of library and information services in Australia, playing an important role in areas such as resource sharing, preservation, standards, equity of access, and services to special groups. The NLA has strong connections in the biomedical sciences area, built up to support the MEDLINE service.

352. Library-based services in scientific disciplines are provided by the NLA, CSIRO, State and municipal libraries, and libraries operated by tertiary institutions and industrial organizations.

353. Increasingly, computer-based information systems offering bibliographic services are being established. Numerical data bases are not so common, but recognition of their relevance to practising scientists and to policy makers is increasing. Important organizations in this field include federal departments and agencies (the Defence Science and Technology Organization, Australian Bureau of Statistics, Australian Atomic Energy Commission, CSIRO, and others); and industry (ICI Australia Limited, Australian Paper Manufacturers, Australian Mineral Foundation). Nationwide information and inquiry services are provided by CSIRO to industry and the general public. International linkages to overseas databases have been established by several organizations.

354. Institutional and organizational arrangements have been made for the collection and analysis of numerical data and other information on trends in the resources available for Australian scientific progress.

Science and technology indicators

355. National science and technology (S & T) indicators are provided in a series of reports (Measures of Science and Innovation series), which are prepared by the Science and Technology Resource Analysis Section of the Department of Industry, Technology and Commerce (DITAC). The reports provide a series of S & T indicators as a quantitative background to assist the decision of policy makers. The research and experimental development (R & D) statistics on which the reports are largely based derive from surveys of Australian research and development activity in all sectors which are carried out by the Australian Bureau of Statistics (ABS). The surveys provide measures of the financial and personnel resources expended on research and development in Australia. Research and development surveys have covered the financial years 1968-69, 1973-74, 1976-77, 1978-79, 1981-82, 1984-85, 1986-87 and 1988-89.

Science and Technology Awareness Programme

356. The objective of the Programme is to raise awareness in Australia of the central relationships between science, technology, economic and social well-being. The Science and Technology Awareness Programme conducts two national awards and jointly sponsors other projects. It also gives support to people who offer science and technology awareness programmes with a national focus. Such support increases the range and performance of the programmes. The major activities now being sponsored include:

(a) Australia Prize. An international award for outstanding achievement in science and technology in areas promoting human welfare. The prize consists of A$250,000 and an inscribed medal;

(b) Michael Daley Awards, for excellence in science and technology journalism in Australia;

(c) Science and Technology Information Projects. This element of the programme is aimed at increasing communication about, and understanding of, science and technology for Australians. Projects include public information, such as television programmes and promotion of information services; education resources, such as primary student and teacher books, student research schemes and national operation of Family Maths and Family Science programmes; speakers; and conferences;

(d) Network of science and technology communicators aimed at increasing communication between people working in the field. A national conference was held to identify key players and issues, and the proceedings published; a database has been compiled, and a register published; a quarterly newsletter entitled Facets is also being published.

357. The Science and Technology Budget Statement provides details on financial support for research and development provided by the Federal Government together with descriptive information on the programmes in place. This publication is one of the set of budget-related papers issued each August at the time of the annual Budget. It contains descriptive aspects of the science and technology system and the financial details are now based directly upon budget information. The arrangements better recognize the relevance of science and technology in the presentation of overall economic policy in the budget process.

358. An Australian Science and Technology Data Brief is prepared annually by the Department of Industry Technology and Commerce. It is intended as a compact source of updated information selected from the range of quantitative data relevant to issues of science and technology policy. It complements the Science and Technology Budget Statement with more detailed information on Australian research and development in industry, Government and universities, as well as giving international comparisons. The Data Brief covers concisely major aspects of research and development data dealt with in Measures of Science and Innovation.

4. Measures taken to prevent the use of scientific and technical progress for purposes which are contrary to the enjoyment of all human rights, including the right to life, health, personal freedom, privacy, etc.

(See also below under section E, subsection 5, paras. 445-449)

359. An educated populace can contribute effectively to community debate about social and human rights issues arising from scientific and technological discoveries and can influence the ways in which scientific discoveries are utilized. In addition to education institutions, community and consumer groups throughout the country foster non-formal education about scientific and technical developments, focusing on social responsibility in science and technology. They promote community discussion of possible adverse side-effects of new technologies and engage in open debate with industry. Uranium mining and the disposal of nuclear waste are notable examples. From time to time, Australian and State parliamentary committees hold inquiries into certain issues (for example, environmental issues), to which business and industry, academia, trade unions, community groups, and individuals may make submissions, and these committees' reports are released for public discussion of their recommendations. The Federal Minister responsible for the relevant government department or authority is required to report to the Federal Parliament on follow-up action taken or decided against in relation to Australian parliamentary reports.

5. Any restrictions which are placed upon the exercise of this right, with details of the legal provisions prescribing such restrictions

(See also below in section C, subsection 1 (paras. 362-375 and section E, subsection 5, paras. 445-449)

360. The Federal Patents Act 1900 and the Federal Designs Act 1906, by granting limited monopoly rights to creators of inventions and new and original designs, provide a mechanism to enable the owners of these rights (the creators or their assignees) to temporarily restrict others from using the invention or design. However, in providing this limited monopoly, these Acts allow creators to benefit from the protection of their material interests. The Acts thus encourage inventive and creative activity that may benefit society as a whole.

361. Significant amendments to the Patents Act 1900 and the Designs Act 1906 since 1981 are outlined below in section C, subsection 1, paras. 371-375).

## C. Protection of moral and material interests of authors

### 1. Principal laws, administrative regulations, collective and other agreements and court decisions relevant to the right of everyone to benefit from the protection of moral and material interests resulting from any scientific, literary or artistic production of which he or she is the author

362. The Federal Government has power under section 51 (xviii) of the Constitution to make laws "for the peace, order and good government" of the country with respect to "copyright, patents of inventions and designs, and trade marks".

Copyright law

363. The federal Copyright Act 1968 grants copyright protection to authors of original literary, dramatic, musical and artistic works, to producers of sound recordings and cinematograph films, to broadcasters and to publishers of editions of works. Australia adheres to both the Berne and Universal Copyright Conventions. Protection under the Copyright Act conforms with the requirements of those Conventions and extends protection in favour of nationals of other countries which adhere to those Conventions.

364. Copyright protection encompasses the usual economic rights (exclusive rights to reproduce, publish, and perform) and moral rights. Remedies are basically civil (damages and injunctions), supported by criminal sanctions on piracy and other infringements for commercial gain.

365. Aspects of the law are reviewed from time to time in the light of technological or cultural changes. Although Australian authors have enjoyed copyright protection under the Copyright Act since 1968, increasing concern has arisen in recent years over the impact of new technology on this important right.

366. The Copyright Act was amended in 1989 to include copying of broadcasts and works by educational and other institutions, use of blank audio tapes for private and domestic copying, and protection for performers. Australia is now in a position to consider accession to the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations.

367. In 1989, the Act was further amended as follows:

(a) The statutory licence introduced in 1980 which permitted photocopying by educational institutions was replaced by a revised licensing scheme. The revised scheme consolidates and simplifies the provisions for educational photocopying;

(b) A new statutory licence was created for off-air copying of television and radio broadcasts by educational institutions;

(c) A blank audiotape royalty was introduced, in return for the right to home-tape music;

(d) Performers were given a statutory right to control certain uses of their performances; and

(e) The relationship between copyright and designs law on protection of artistic work industrially applied was clarified.

368. Also in 1989, a new sui generis form of protection was created to protect computer chip designs against unfair copying. The federal Circuit Layouts Act 1989 gives a limited copyright style protection to the makers of original chip layouts for a period of 10 years.

369. Under the federal Public Lending Right Act, the Public Lending Rights Scheme, administered by the Department of the Arts, Sport, the Environment, Tourism and Territories compensates authors, illustrators, translators, editors and publishers of Australian books in Australian public lending libraries.

370. All relevant federal bodies observe international copyright conventions and recognize the principle of intellectual property rights.

Patents

371. The provisions of the federal Patents Amendment Act 1984, which came into effect in July 1987, required patent applications in certain circumstances to make a deposit of a micro-organism as a condition of obtaining a patent. The amended legislation allows Australians to take advantage of the Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure, a multilateral treaty administered by the World Intellectual Property Organization, to which Australia acceded in July 1987. A micro-organism deposit with any institution that has acquired status of International Depositary Authority under the Treaty will be recognized for the purposes of the deposit requirements.

372. The Nuclear Non-Proliferation (Safeguards) (Consequential Amendments) Act 1988, which came into operation on 24 May 1988, amended the Patents Act to make it consistent with the Nuclear Non-Proliferation (Safeguards) Act 1987.

373. The federal Patents Amendment Act 1989, which came into effect in December 1989, abolished the former procedures for extending the patent term which applied to patents in all technologies, and introduced new procedures allowing an extension of 4 years over the usual term of 16 years for standard patents for pharmaceuticals for human use which are subject to regulatory approval for marketing in Australia.

374. The above legislative changes are incorporated in the Patents Act 1990 (the Act), which came into operation on 30 April 1991. This Act repeals and replaces the Patents Act 1952, streamlines administrative procedures and adopts a revised drafting style. The Act requires a higher standard of patentability for standard patents by testing inventions for novelty and inventive step against written disclosures anywhere in the world (rather than just Australia).

Designs

375. The federal Designs Amendment Act 1981, which came into operation in April 1992, removed the requirement for registration according to a class-system and introduced a broader definition of "design" to include functional designs. It also increased the period of registration to provide a maximum registration period of 16 years (15 years previously).

2. Information on the practical measures aimed at the full implementation of this right, including provision of the necessary conditions for scientific, literary and artistic activities, and the protection of intellectual property rights resulting from such activities

(See above section C, subsection 1, paras. 362-375 above)

3. Difficulties affecting the degree of realization of this right

376. Whether legislative protection is needed for the moral rights of artists was the subject of a Report by the Copyright Law Review Committee established by the Attorney-General. The report is now being considered by the Commonwealth Attorney-General.

377. At present, there is no legislation in Australia specifically for the protection of Aboriginal and Torres Strait Islander folklore. However, this subject has been under investigation for some time.

378. Some protection of Aboriginal culture and designs is available through the Aboriginal Artists Agency Ltd. This Agency was established in 1976 by the Aboriginal Arts Board of the Australia Council in response to a need for the protection of tribal Aboriginal arts. Since then, the growing demand for Aboriginal actors, dancers, musicians and artists has led to a broadening of the Agency's role to include copyright, publishing, promotional and entrepreneurial activities. The Agency is a non-profit company funded by the Australia Council.

D. Steps taken for the conservation, development and diffusion of science and culture

1. Principal laws, administrative regulations, collective agreements and court decisions designed to conserve, develop and diffuse science and culture at the constitutional level, within the national educational system, and by means of the media of communication

Culture

379. The principal statutes and regulations of the Federal Government and the State and Territory Governments relating to the conservation, development and diffusion of culture in Australia, together with the range of federal and State institutions and programmes established under these regulations, are discussed in detail under section A above.

Science

380. In the field of science, legislation has been passed at the federal level to establish the financial resources and institutional structure to provide for conservation, development and diffusion. This legislation includes the Industrial Research and Development Incentives Act 1976, the Australian Nuclear Science and Technology Organization Act 1987, the Australian Institute of Marine Science Act 1972 and the Science and Industry Research Act 1949.

381. The provisions of these Acts are dealt with below under section E, subsection 4 (paras. 427-444), where federal and State academic and private institutions established for the promotion and conduct of scientific research are described in full.

382. In the Australian Science and Technology (ASTEC) Council Act 1978 (Cwlth), an Australian Science and Technology Council was established. The functions of the ASTEC Council are to investigate, and to furnish information and advice to the Federal Government in respect of matters relating to science and technology, including the following matters:

(a) The advancement of scientific knowledge;

(b) The development and application of science and technology in relation to the furtherance of the national well-being;

(c) The adequacy, effectiveness and overall balance of scientific and technological activities in Australia;

(d) The identification and support of new ideas in science and technology likely to be of national importance;

(e) The practical development and application of scientific discoveries;

(f) The fostering of scientific and technological innovation in industry; and

(g) The means of improving efficiency in the use of resources by the application of science and technology.

383. The members of ASTEC are drawn from scientists, industrialists and other persons eminently knowledgeable in a number of fields such as science, technology, industry, political science, industrial relations etc. The Prime Minister has ministerial responsibility for ASTEC.

384. The Acts governing Australian institutions of higher education sometimes make reference to the conservation, development and diffusion of science. For instance, the objectives of the University of New South Wales as specified in its Act of 1949 include:

(a) The provision of facilities for higher specialized instruction and advanced training in the various branches of technology and science in their application to industry and commerce;

(b) Aiding, by research and other suitable means, the advancement, development and practical application of science to industry and commerce; and

(c) The provision of instruction and the carrying out of research in the discipline of humane studies and medicine and in such other disciplines as the Council may from time to time determine.

385. The Australian National University, located in Canberra, has a special role in Australia regarding research and postgraduate study. Thus, its Act specifies that among its functions that the University should "encourage and provide facilities for postgraduate research and study, both generally and in relation to subjects of national importance in Australia".

2. Information on all other practical steps taken to promote such conservation, development and diffusion

386. Information on practical steps for the conservation, development and diffusion of culture in Australia may be found above under section A (paras. 158-328), while those for Science are discussed generally under sections B above (paras. 329-361) and E below (paras. 411-449).

387. There are two areas relating to the conservation and diffusion of science of which mention may be made in this section:

(a) Aboriginal and Torres Strait Islander Science. Alongside the growing interest in Australia in the preservation and diffusion of ATSI cultures, there is increasing acknowledgement that Aboriginal science and technology is of particular value. Bodies such as the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), the National Parks and Wildlife Service and Commonwealth Scientific and Industrial Research Organization (CSIRO) have begun to investigate traditional ATSI knowledge and expertise in areas such as the use of fire (for regeneration of flora), concepts of sickness and health, and knowledge about plants and the processing of food. The AIATSIS encourages joint authorship and ATSI control of the dissemination of research involving ATSI and non-ATSI Australians. Application of ATSI scientific knowledge is occurring through the incorporation of ATSI techniques into environment conservation practice in Northern Territory National Parks, use of traditional healers in the delivery of health services in a number of tradition-oriented ATSI communities, and the incorporation of ATSI knowledge of and classifications for flora and fauna into the curricula of various Northern Territory schools;

(b) Technology transfer to industry. There are a number of research institutions that operate within the Department of Industry, Technology and Commerce (DITAC) portfolio that encourage technology transfer to industry, among other activities. These include the Commonwealth Scientific and Industrial Research Organization, the Australian Institute of Marine Science and the Australian Nuclear Science and Technology Organization.

388. DITAC also manages a number of programmes designed to support industrial research and development.

389. The 150 per cent tax concession for research and development expenditures was introduced to lift the research and development performance of Australian industry which had fallen to one quarter of the median figure for broadly similar OECD countries.

390. The objective of the programme is to transform the attitudes of Australian companies towards research and development and to improve the innovative skills in Australian industry. The tax concession was conceived as a catalyst to increase companies' investment in Research and Development, encourage better use of Australia's existing research infrastructure and improve conditions for the commercialization of new processes and produce technologies developed by Australian companies.

391. The programme commenced in June 1985 as a six year programme which was scheduled to end in June 1991. In May 1989, the Federal Government announced an extension to the incentive. The concession will operate until 30 June 1993 at 150 per cent, and will then become a permanent feature of the Income Tax Assessment Act (Cwlth) at 125 per cent.

392. The Grants for Industry Research and Development Scheme provides support for research and development projects undertaken by industry and publicly funded research bodies. Support may be provided through two components of the scheme: (a) discretionary grants and (b) generic technology grants.

393. Discretionary grants complement the 150 per cent tax incentive for research and development by assisting companies unable to take full advantage f the tax incentive. It gives special consideration to start-up companies, companies wanting to enter the international marketplace and companies involved in industrial restructuring.

394. To be eligible, projects must be directed to the development of internationally competitive and internationally traded goods, systems or services. The maximum rate of assistance is 50 per cent of the agreed project costs and the maximum duration of support is three years.

395. Generic technology grants are designed to foster particular new or emerging technologies which are designated by the Minister for Industry, Technology and Commerce as generic technologies of fundamental significance for industry competitiveness in the 1990s, but which are unlikely to develop if left to market forces alone.

396. Five technology areas have been declared to be generic technologies by the Minister for Industry Technology and Commerce. These are:
(a) Biotechnology; (b) Manufacturing and materials technology; (c) Information technology; (d) Communications technology; and (e) Environmental technology.

397. While the generic technologies programme involves a variety of initiatives, a major component is the provision of grants in support of pre-competitive strategic research in specific target areas. A key aspect of the programme is the encouragement of collaboration between researchers and industry through the requirement that projects to be supported involve one or more commercial partners.

398. The Industry Research and Development Board is the main agency through which the Federal Government provides firm-level assistance for industry research and development. The Board is responsible for technical aspects of the 150 per cent tax incentives for research and development, and the Grants for Industry Research and Development Scheme.

399. As well as these operational responsibilities, the Board has a more general brief to promote and market research and development to industry, foster international research and development collaboration and monitor the effectiveness of its programmes.

400. The estimated actual gross cost (revenue foregone) of the tax incentive is estimated to be $250 million in 1991-92. During 1990-91, moreover, grant payments under the Discretionary Grants Scheme totalled $14.0 million, and $15.2 million were outlaid on generic technology grants.

401. The National Procurement Development Programme supports research, development, trialling and demonstration of new Australian products as a stepping stone for entry into Australian and overseas markets. Projects are undertaken on a collaborative basis between industry and a federal, State or local government department, agency, statutory authority or government-owned corporate body or local government authority.

402. The Scheme was introduced in 1988 and is administered by the Industry Research and Development Board through its seven-member National Procurement Development Committee. The grants are used to support projects which involve:

(a) Research and development into new Australian made products for which there is a market need; and/or

(b) Demonstration of prototypes and products within government departments to provide evaluation and endorsement.

403. The Scheme aims to provide opportunities for Australian industry to develop and demonstrate new products, systems or services within government departments so as to prove technical competence, credibility and reliability, particularly to overseas buyers. It also gives government departments and agencies a low cost opportunity to influence the development of new products relevant to government needs and to trial unproven products at little or no cost to themselves.

404. The programme was to run for a period of three years. In 1990, the programme was extended to 30 June 1995, subject to a review by the Industry Commission to determine funding levels beyond June 1992. In 1990, the programme was also expanded to formally include the participation of State and Territory Governments. To date, the Committee has considered around 100 applicants and approved 89 projects, representing a total funding commitment of $24.0 million. The projects cover a wide range of industry sectors including computer software, scientific and medical equipment, electronic systems and components, security and surveillance equipment, waste management systems and communications equipment.

405. There is no restriction on the type of technology involved and grant applications can be made at any time.

406. The National Teaching Companies Scheme is part of the Australian Government's programme to facilitate the growth and competitiveness of Australian industry. The Scheme encourages links between companies and supporting institutions such as tertiary educational institutions and public research agencies, by subsidizing the cost of employing and supervising high calibre graduates in projects designed to improve company performance in the areas of management, manufacturing and marketing through the introduction of appropriate technology and methodology.

407. The aim of the Scheme is to promote the development and improve the efficiency and international competitiveness of Australian industry by developing new and lasting working relationships between supporting institutions and companies in the manufacturing, service and information industries, as well as providing graduates with industry experience and possible career and employment opportunities. Support provided under the Scheme is not to be used for postgraduate studies.

408. The Scheme provides $50,000 grant support over a maximum of two years. Of this, $34,000 is paid to the employer towards the salary of the graduate, $10,000 is paid to the supporting institution for academic support costs and an additional $6,000 is paid to the employer (i.e. either the company or institution) towards administrative costs of employing the graduate.

409. Since the commencement of the Scheme in 1985, the Australian Government has provided $8.1 million support to 205 projects in the areas of biotechnology, aquaculture, horticulture, mechanical and structural engineering, computing science, shipbuilding, mining, electronics, veterinary science, information and communications technology, metals manufacture, membrane technology, management, marketing, improved manufacturing processes, etc.

410. Applications are considered by an independent committee of business people and academics. The Australian Government is the primary source of funding for the Scheme, with some additional funding being made available by most of the State Governments.

## E. Right to the Freedom of Scientific Research and Creative Activity

### 1. Principal laws, administrative regulations, collective agreements and other types of arrangements designed to promote the right of everyone to the freedom indispensable for scientific research and creative activity

411. Enabling legislation for federal cultural and heritage bodies is designed to promote the right to freedom of participation in creative activity and scholarship. This legislation was outlined in subsections 1 and 2 of section A (paras. 165-325).

412. Each national cultural institution established by the Federal Government (see section A, subsection 2 (b) (paras. 193-199)) disseminates information on

its activities and creative projects which it assists. In the case of the Australia Council, the information programme ranges from publications of information brochures and newsletters to advertisement of its grant programmes in the national press. The programmes of financial assistance for creative activity offered by the Australia Council are comprehensive. They include direct grants which allow creative people to forego employment and devote their time to creative pursuits, direct assistance and/or guarantees against loss afforded to artists, assistance towards authors' publishing costs, artists' training costs, funding of workshops and funding of several national non-government cultural organizations.

413. In addition, the Australia Council provides assistance towards the administrative costs of cultural conferences/workshops and assists with travel costs for the participation of arts practitioners. Seminars are initiated by the Australia Council where there are issues of importance to arts policy - for example, the 1990 National Ideas Summit - to make a demonstration of the common interests of scientists, writers, scholars or artists and intellectuals and to encourage them to focus on what they have in common.

414. Several non-government organizations which operate a network of cultural activity receive substantial funding from the Australia Council, both for administrative costs and project funding. Organizations which conduct research of relevance to Australia's culture are also supported.

415. The Australian Film Commission provides annual subsidies to organizations engaged in creative activities. These organizations include major domestic film festivals, film and television institutes, video centres and distributors of short dramas, documentary and experimental film and video work. In addition, assistance is provided towards the costs of film and television related conferences and seminars and the development and production of film and television related publications, statistical and qualitative research into matters affecting the film and television industries and towards the costs for film makers participating in targeted domestic and international film festivals, conferences and seminars. The Australian Film Commission also produces a range of informational and analytical publications about its own work, the work of the film and television industries and domestic and international trends and results in the production, distribution and exhibition sectors of the film, video and television industries.

416. The Australian Film, Television and Radio School undertakes research of media and cultural issues of relevance to the activities of the School and its students. The School participates in the Media Research Network, a broad range of organizations involved in research in the areas of mass media, telecommunications, education and broadcasting.

417. The School also publishes a wide variety of documents including teaching resources, course information brochures, handbooks and a quarterly media information journal.

418. The National Library of Australia provides positive support for research through its Harold White Fellowship Scheme, which assists established scholars and writers as well as librarians, archivists and conservators. The National Library of Australia provides the national secretariat for the Australian

Council of Libraries and Information Services (ACLIS), a body representing all types of libraries in Australia, and provides financial assistance to the International Federation of Library Associations and the International Serials Data System (ISDS).

419. Most libraries in Australia support participation by their staff in the activities of the Library Association of Australia and other professional associations.

420. The Australian War Memorial and State museums both conduct and facilitate research.

421. Federal and State archives provide adequate facilities for the consultation of government records.

422. The Australian Heritage Commission engages in and facilitates research into matters impinging on the national heritage.

423. Staff of cultural institutions are encouraged to participate in seminars, workshops and conferences.

424. Facilities for creative activity and research in the States and Territories are outlined in section A.

2. Information on measures designed to promote enjoyment of this right

425. See subsection 1 above (paras. 411-424) and subsection 4 below (paras. 427-430). See also above section D, subsection 2 (paras. 386-410). Additional measures undertaken by the Federal Government to promote the right to freedom of scientific research and creative activity include statutory taxation concessions. These cover:

(a) Provision for concessions in income tax applying to authors, artists and inventors so as to confer some relief in the first few years in which such a person commences to earn income;

(b) Exemptions from Australian income tax on Australian earnings from research work by certain visiting scientists to Australia; and

(c) Exemptions from sales tax for certain items of scientific research equipment:

(i) Provision for deductibility from assessable income of certain gifts such as gifts of works of art to approved public institutions or gifts to approved scientific research institutes;

(ii) provision for deductibility of expenditure on scientific research buildings and accelerated depreciation of plant used for the purpose of scientific research; and

(iii) provision for deductibility from assessable income, for the purposes of income tax liability, of investment in the production of certified Australian films.

3. Measures taken to guarantee freedom of exchange of scientific, technical and cultural information, views and experience between scientists, writers, creative workers, artists and other creative individuals and their respective institutions

426. Measures to promote the diffusion of scientific information were dealt with under section B, subsection 3 above (paras. 345-358).

4. Measures to support learned societies, Academics of Science, professional associations, unions of workers and other organizations and institutions engaged in scientific research and creative activities

427. Information on measures to support organizations and individuals engaged in creative pursuits including financial assistance were provided above under sections A (paras. 158-328) and D (paras. 379-410) as well as under subsections 1 and 2 (paras. 411-425) of this section E. This subsection discusses measures to support organizations engaged in scientific research and related activities.

428. Measures to support scientific research may be conveniently discussed under the following headings:

(a) Institutional framework;

(b) Human resources; and

(c) Financial resources.

429. The Federal Government is concerned about the ability of the higher education system to provide trained scientists, engineers and technologists at the levels which will be required in the future and to undertake the bulk of Australia's basic research and research training.

430. The issue of current and future supply and demand of scientists is one of a number of issues being addressed by the new Science Council and Coordination Committee on Science and Technology.

(a) Institutional Framework

431. In Australia, the organizations active in scientific research comprise:

(i) Federal and State Governments (statutory bodies and departments);

(ii) Tertiary education institutions (universities, colleges of advanced education, and institutes of technology; some of these operate consultant companies which draw on the expertise of the staff of their parent institutions);

(iii) Business enterprises (principally primary and extractive industries, processing and manufacturing industries, and associated research organizations);

(iv) Private non-profit research institutions;

(v) Academics and professional associations; and

(vi) Interface organizations such as research associations, and trust funds.

432. The major government and non-government institutions performing research in the natural sciences are described below:

Commonwealth Scientific and Industrial Research Organization (CSIRO)

CSIRO was established by the Federal Government's Science and Industry Research Act 1949. When the Organization was first set up, its research centred on solving the problems then facing agriculture and industry. Today CSIRO is Australia's largest scientific research organization and one of the most comprehensive national research institutions in the world. It undertakes and facilitates application of research for the benefit of the Australian community and industry that embraces most fields of the physical and biological sciences: plant and animal production and processing, industrial technologies, minerals, energy, the environment, community health, construction, information and communications technologies, oceanography, astronomy, and space science and technology.

In 1988, CSIRO was restructured into six research Institutes which incorporate 32 Divisions and three smaller Research Units. The Institutes are:

Animal Production and Processing;

Plant Production and Processing;

Industrial Technologies;

Minerals, Energy and Construction;

Information Science and Engineering; and

Natural Resources and Environment.

A wholly-owned subsidiary, Sirotech Ltd., was established in 1984 to assist in transferring CSIRO technology to Australian industry. The company also manages CSIRO's patent portfolio.

CSIRO has a staff of about 7,000, including 2,900 scientists, engineers and other professionals, working in almost 100 laboratories and field stations around Australia. In 1991-92, its total budget will be $635 million, of which $448 million (70 per cent) was allocated under direct Federal Government appropriation, the remainder coming from a variety of external sources.

The primary functions of the Organization are:

(a) To carry out scientific research for the benefit of Australian industry and the Australian community;

(b) To contribute to the achievement of Australian national objectives or the performance of the national and international responsibilities of the Government; and

(c) To encourage or facilitate the application or utilization of the results of the research of the Organization or any other scientific research.

Secondary functions include liaison between Australia and other countries in matters connected with scientific research; training of research workers; establishing, developing and maintaining standards of measurement of physical quantities; collecting, interpreting and disseminating scientific and technical information, and publishing scientific and technical reports, periodicals and papers.

As part of an active information and public affairs programme, CSIRO publications include its Annual Report, five-year Strategic Plan, Directory of CSIRO Research Programmes, CSIRO - A Guide, journals covering rural, environmental and industrial research issues, and a number of books each year. CSIRO scientists publish the results of their research in scientific journals in Australia and overseas. CSIRO information is also available electronically through the Australis database service. Other public relations activities include production of video films for general audiences and education programmes such as Science Education Centres in each State and a Double Helix Club for school children. The CSIRO also publishes the CSIRO Index which is an index of CSIRO published papers, available for on-line searching on the Australis database.

Commonwealth Serum Laboratories Commission

The functions of the Commonwealth Serum Laboratories Commission established by the Federal Government are to produce and sell such biological products of a kind used for therapeutic purposes as are prescribed, and undertake research in connection with any such prescribed product and to carry out any other research determined by the Federal Minister for Health.

Australian Institute of Marine Science (AIMS)

The Australian Institute of Marine Science (AIMS), a federal statutory body established by an act of Parliament in 1972, is mainly concerned with multi-disciplinary research projects focused on tropical marine sciences. AIMS research projects fall into four main areas: coastal processes and resources, reef studies, environmental studies and biotechnology and marine systems analyses and oceanography. Specific programmes undertaken by the Institute cover inshore productivity, plankton behaviour, mangrove ecology, coral taxonomy, coral calcification, reef diagenesis, shallow waters oceanographic mixing processes related to cycling and budgets of plant nutrients and sediment studies in coastal waters. The Institute studies

climatic records in massive corals and has produced a major study of prawn mariculture. Generally, the Institute has concentrated on interdisciplinary studies of tropical marine processes.

National Health and Medical Research Council (NH&MRC)

The NH&MRC is an independent body which advises the Federal Minister for Health on the application of funds from the Medical Research Endowment Fund to provide assistance to the Federal and State Governments engaged in medical research; to universities and other institutes for the purpose of medical research; and to persons engaged in medical research and in the training of persons in medical research. NH&MRC grants form the major proportion of the total federal funds spent on medical research in Australia.

Federal Government Departments

In addition to the major statutory bodies, a number of federal government departments undertake significant research. Departments which undertake such research include: the Department of the Arts, Sport, the Environment, Tourism & Territories, the Bureau of Mineral Resources, (Geology and Geophysics), and the Department of Defence.

State Government Departments

A number of departments in the various State Governments conduct research work in their own research institutes and research stations. Their work is more applied in nature and concerns areas for which the States have prime responsibility; for example, agriculture, soil conservation, and fisheries.

Universities and Colleges of Advanced Education

Scientific research is promoted and conducted in all 19 Australian universities and in the 80 or so colleges of advanced education (CAEs). While the latter have a strong vocational and applied orientation, scientific research conducted in CAEs is relatively limited and usually oriented more to local problems and interests. Intramural expenditure on research and development by universities accounts for about one third of all university expenditure. Basic research accounts for most (66 per cent) of this effort with the balance of the effort largely being applied research.

Research Organizations Associated with Higher Education Institutions

A number of tertiary education institutions in Australia have established independent commercial companies to promote and manage research and consultancy services to industry, commerce, government and the community. The organizations play an important role in promoting and facilitating communication between the higher education and other sectors. They undertake investigational and research projects in the fields of science and engineering and increasingly in management and marketing. Results are confidential to the client and are published only with the consent of the client.

The Australian Industrial Research Group (AIRG)

The Australian Industrial Research Group (AIRG) is an association of research and development managers employed in Australian industry. It represents some 3,000 full-time professional researchers, who are backed by another 8,000 (approximately) people in development and technical services. AIRG aims to improve the quality of research management in Australia and to stimulate and develop an understanding of research as a force in economic, industrial and social activities.

Private Non-Profit Institutes

Private non-profit institutes include those trusts, foundations, institutes and other organizations which do not have the financial welfare of industry as their objectives and are not government agencies. Expenditure on research and development by private non-profit organizations comprises less than 1 per cent of the gross national research and development expenditure and is concentrated in the biological and medical sciences. Some of the main organizations are:

The Walter and Eliza Hall Institute of Medical Research, Melbourne;

The Australian Council for Education Research, Melbourne;

The Howard Florey Institute of Experimental Physiology and Medicine, Melbourne;

The Ludwig Institute for Cancer Research, Sydney;

The Royal Children's Hospital Research Foundation of Victoria;

The Red Cross Blood Transfusion Services; and

The Victorian Institute of Marine Sciences.

National and Regional Facilities

Australia has a number of regional and national facilities which are used by workers from various institutions both within Australia and overseas. Examples include: the Australian Institute of Nuclear Science and Engineering, through which researchers can have access to the Australian National Science and Technology Organization; the Anglo-Australian Telescope at the Siding Spring Observatory, near Coonabarabran in NSW; and the Parkes Radio Observatory at Parkes, NSW. These facilities are all expensive and are run to ensure the best use by the scientific community.

(b) Human resources

433. Australian universities and other institutions providing post-secondary technical education are the principal sources of trained scientific and technical personnel within the country. In 1987, almost 28 per cent of the Australian population held a post-school qualification. Within this figure about 5 per cent held degrees, 12 per cent held diplomas or certificates, and

10 per cent held trade qualifications. Those holding degrees, diplomas or certificates broadly of a scientific or technical nature constituted about 10 per cent of the population. Those holding such qualifications and active within the workforce constituted more than 16 per cent of the workforce. The details are shown at Annex III.

434. The table also shows the proportion of women in the various broad aggregates. More detailed data indicates that disproportionately fewer women hold degrees in the natural sciences and engineering (there are very few women engineers) while high proportions of those holding diploma or certificate qualifications in nursing or teaching are women. Analysis by age structure shows that all these imbalances are reducing, at least to an extent.

435. Migration has also been a source of people with scientific and technical qualifications. In 1987-88, there was a net gain of 4,700 scientists, engineers and academics, and the total gain over the previous 5 years was 13,100. The greatest gains were for engineers.

436. In 1987-88, there were 60,907 personnel engaged in research and development (0.79 per cent of the civil labour force) of whom 35,077 were research scientists and engineers (RSE). RSE were distributed between sectors as follows:

(a) Business enterprises (24.3 per cent);

(b) Federal Government agencies (13.1 per cent);

(c) State Government agencies (8.6 per cent);

(d) Higher education institutions (52.7 per cent, including 30.0 per cent who were postgraduate research students); and

(e) Private non-profit organizations (1.4 per cent).

(c) Financial resources

437. During 1988-89 (latest available figures), total Australian expenditure on research and development amounted to $4,187 million, or 1.24 per cent of gross domestic product. Distribution of expenditure by sector of performance can be identified as follows:

(a) Business (40.6 per cent);

(b) Federal Government (20.6 per cent);

(c) State Government (10.9 per cent);

(d) Higher education (26.4 per cent); and

(e) Private non-profit (1.4 per cent).

Other aspects of resource distribution include the following:

438. During 1988-89, Australian research and development expenditure (excluding business enterprises) by major field of science was distributed as: Agriculture 21 per cent, Engineering/Applied Science 22 per cent, Social Sciences 11 per cent, Medicine 11 per cent, Other Natural Sciences 31 per cent, and Humanities 5 per cent.

439. During 1986-87, Australian research and development expenditure (excluding business enterprises) by major purpose was distributed as: Agriculture 21 per cent, Advancement of Knowledge 22 per cent, Health 14 per cent, Energy 3 per cent, Environment 5 per cent, Mining 4 per cent, Defence 8 per cent, Manufacturing 7 per cent, Forestry And Fisheries 4 per cent, Other Economic Development 6 per cent, and Other Community 5 per cent.

440. There has been a significant growth in total expenditure on research and development which increased in real terms by more than 50 per cent between 1980-81 and 1988-89. The greatest rise was in business expenditure in research and development, which more than doubled over the period.

441. The Federal Government supports public institutions engaged in research and development. Major agencies include the Commonwealth Scientific and Industrial Research Organization (CSIRO), the Australian Nuclear Science and Technology Organization (ANSTO), the Defence Science and Technology Organization (DSTO), the Bureau of Mineral Resources (BMR), the Commonwealth Serum Laboratories (CSL) and the Australian Institute of Marine Science (AIMS).

442. Through the Department of Employment, Education and Training (DEET), the Federal Government also provides support to recognized bodies such as the Australian Academy of Science, the Australian Academy of Technological Sciences and Engineering and the Australian and New Zealand Association for the Advancement of Science (ANZAAS).

443. Major support schemes to assist research in the university and higher education sector include those administered by the Australian Research Council (ARC); the National Health and Medical Research Council (NHMRC); the National Energy Research, Development and Demonstration Council (NERDDC); Grants for Industrial Research and Development (GIRD); and the Rural Industry Research Funds (RIRFs). The largest component of higher education funding comes from the ARC and related support which amounted to approximately $962 million during 1989-90.

444. Government support for industrial research includes GIRD grants for both generic technology and on a discretionary basis, and a 150 per cent tax concession for industry research and development. A National Procurement Developments Programme provides grants to government purchasing agents to test new high technology products.

5. Factors involved and difficulties encountered

445. Distances within Australia, Australia's isolation from other cultures and the infrequency of international conferences in our region inhibit activity to some degree. (See also under section F below.)

446. Several cultural institutions report constraints of limited funds and staff resources in achieving their objectives in relation to promotion of creative activity and scholarship.

447. Although there are no specific statutory restrictions placed on the rights of individuals to freedom of scientific research in Australia and there is in general an observance of this right, there are several difficult areas in which ethical restraints are imposed.

448. For example the Federal Government supported the introduction by the Australian Academy of Science of voluntary guidelines for the monitoring of recombinant DNA research. During 1980, the Government agreed to take over this monitoring role which is now carried out by the Genetic Manipulatory Advisory Committee (GEMAC) who have issued voluntary guidelines to researchers in this field.

449. Research is also restrained by educated public opinion and an ethical approach adopted by the scientists themselves and is subject to the body of Common Law where for example it constitutes an assault on the rights of others. In isolated cases, there may be interaction with statutory provisions - for example, researchers wishing to import hazardous organisms from overseas for the purpose of research are subject to federal government customs and quarantine legislation, and researchers in the area of tissue transplants involving humans are required to work within the framework of the evolving body of legislation in such matters.

### F. Encouragement and development of international contacts and cooperation in the scientific and cultural fields

450. Australia's main channels at federal level for scientific and technological cooperation with other countries include: the international Science and Technology Collaboration Programme for scientific and technological cooperation; representation at overseas posts; scientific and technological aspects of the Australian international development assistance programme; agreements and arrangements in specific fields; multilateral cooperation arising from membership of international organizations - governmental and non-governmental; extensive ad hoc exchange of scientific information between Governments' research bodies and their counterparts overseas; and bilateral cultural agreements containing provisions for scientific and technological cooperation. Examples of these channels of communication are discussed below.

#### International Science and Technology Collaboration Programme

451. Major cooperative programmes to foster longer-term collaborative strategic and precompetitive research and development projects and specific research cooperation are conducted under bilateral science and technology agreements including:

The United States/Australia Agreement for Scientific and Technical Cooperation;

The India/Australia Science and Technology Agreement;

The Federal Republic of Germany (FRG)/Australia Science and Technology Agreement;

The Japan/Australia Science and Technology Agreement;

The USSR/Australia Agreement on Scientific and Technical Cooperation;

The China/Australia Science and Technology Agreement;

The Mexico/Australia Science and Technology Agreement; and

The France/Australia Science and Technology Agreement.

452. The Australian Government also provides financial assistance for the agreements between the Australian Academy of Science and the Australian Academy of Technological Sciences and Engineering with China, Japan and the United Kingdom.

453. The agreements contain provision to include sub-arrangements or "memoranda of understanding" in specific fields between agencies of Australia and the other country concerned.

454. In the field of industrial property, Australia encourages international cooperation by its membership of and participation in several multilateral treaties administered by the World Intellectual Property Organization (WIPO). Since the last report, Australia has become party to the Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the Purposes of Patent Procedure.

455. Australia has also encouraged international cooperation by hosting courses on industrial property matters for participants from developing countries in the Asia-Pacific region, and by accepting study visits by personnel from these countries. It has also provided patent searches for some of these countries. These activities have been either on a bilateral basis, or arranged in cooperation with WIPO (and, in that case, often funded under the United Nations Development Programme (UNDP)). Australia has also made industrial property experts available to visit other countries under programmes sponsored by WIPO and/or UNDP.

Industry, Science and Technology Counsellor Network

456. A network of six Counsellors (Industry, Science and Technology) is located overseas within the Australian diplomatic missions in London, Brussels, Paris, Bonn, Tokyo and Washington. The London Counsellor is also accredited to the Economic Commission for Europe, and the Paris Counsellor is also accredited to the OECD. There are also Counsellors Nuclear in Vienna, London and Washington.

Australian Centre for International Agricultural Research (ACIAR)

457. Australia's Development Cooperation Programme has continued to encourage and support the development of international contacts in the scientific field. This has included the establishment in 1982 of the Australian Centre for International Agricultural Research (ACIAR) which has a mandate to carry out research in cooperation with, and for the benefit of, developing countries. ACIAR's technical expertise, knowledge of and access to scientific research skills in both the public and private sector enables it to identify research priorities, consult with scientists and administrators in developing countries, and foster collaborative programmes between scientists in those countries and Australian research institutions.

International Agricultural Research Centres (IARCs)

458. Australia's Development Cooperation Programme also provides support to the International Agricultural Research Centres (IARCs) - a group of 13 centres which are financed through the Consultative Group on International Agricultural Research (CGIAR). The IARCs have been very effective in increasing food production in developing countries, and collaboration between Australian and Centre scientists has brought major benefits to farmers in both Australia and the developing countries through improved production methods.

International Seminars Support Scheme (ISSS)

459. Fostering the development of international contacts and closer cooperation in the scientific and cultural fields is a major feature of the ISSS scheme. The scheme, which was primarily established to support participants from developing countries to attend development oriented international seminars and conferences, also provides some support to enable invited Australians with specific expertise to attend conferences outside Australia. The ISSS scheme focuses on supporting attendance at international meetings that have a clear practical application to developing countries, thus promoting international cooperation and encouraging the exchange of information that will directly contribute to the economic and Social advancement of developing countries.

Equity and Merit Scholarship Scheme (EMSS)

460. The Equity and Merit Scholarship Scheme was first made available to 27 developing countries in 1989 for scholarships tenable in 1990. Successful applicants receive scholarships in courses of their choice. The Scheme's objective is to promote human resource development by training in Australia. The Scheme has two main streams of scholarships: equity scholarships and merit scholarships:

(a) Equity scholarships are for students of academic ability who do not have the same economic and social advantages as others; and

(b) Merit scholarships are for students of exceptional academic merit, drawn from any sector of the community.

A special feature of EMSS is that 50 per cent of all scholarships are awarded to women. The Scheme's final intake will be in 1992. From 1993, its place will be taken by the John Crawford Scholarship Scheme (JCSS) which is expected to retain the major features of EMSS.

Sponsored Training Programme

461. Some 2,500 students are sponsored by the Australian Government at any one time to undertake educational programmes in Australia under various government-to-government arrangements with developing countries. Students come from some 52 countries with a concentration on countries in South-East Asia and the Pacific. Students receive fares to and from Australia, living and other allowances and payment of their academic fees. Fields of study are those in which governments have identified a need for skilled personnel. These include Agriculture, Engineering, Business and Economics and the natural sciences. Some 75 per cent of students are studying at the postgraduate level. Progress is being made towards the goal of 50 per cent of awards being made to women.

Australian Asian Universities Cooperation Scheme (AAUCS)

462. Through the Australian Vice-Chancellors' Committee, Australian universities are collaborating with selected universities in Indonesia, Malaysia and Singapore with the assistance of other Australian tertiary institutions, government departments and the private sector. The Australian Asian universities Cooperation Scheme (AAUCS) is funded by the Australian International Development Assistance Bureau (AIDAB) and receives contributions in kind from Australian and Asian universities. The Scheme, which began in 1969, has been growing steadily since then. Over 200 Australian academics have participated in the Scheme. AAUCS programmes are directed towards assisting associated universities with staff development programmes in associated universities overseas. In Indonesia, assistance comprises training courses, visiting assignments and the secondment of Australian staff in a number of disciplines. In Malaysia and Singapore, the emphasis is on faculty development. In all three countries, direct Australian participation in development is supported by a comprehensive postgraduate fellowship programme.

CSIRO International Relations Centre (CIRC)

463. CIRC was re-established within CSIRO in mid-1978 to:

(a) Provide an identifiable focal point for CSIRO support for research cooperation in developing countries;

(b) Be responsible for planning and evaluating CSIRO's contribution to the science and technology component of Australia's assistance to those countries; and

(c) Encourage, in collaboration with Directors of CSIRO Institutes and Chiefs of CSIRO Divisions, the efficient deployment of CSIRO resources for this purpose.

Most of the assistance projects for developing countries, in which CSIRO becomes involved, contain a strong research component or require specialist advice from CSIRO scientists. In addition, a number of CSIRO divisions and laboratories provide training for scientists and technical officers from developing countries. With only a small core staff, the role of CIRC is essentially one of coordination. Once projects have been established, the Centre is concerned mainly with general liaison and policy matters, while the day-to-day management of the projects is left to the divisions concerned.

464. CSIRO also has a number of formal, and very many informal, links with scientific organizations in other countries by means of which the organization and individual scientists collaborate in research activities.

Agricultural exchanges

465. The Federal Department of Primary Industry is responsible for a programme of agricultural exchanges with other countries. The objective of the programme is to foster a mutually beneficial exchange of information and expertise in the application of technology to a wide range of agricultural and forestry activities.

Multilateral cooperation

466. Australia participates in the science and technology activities of the United Nations and its agencies. Australian experts and consultants contribute to international science and technology programmes conducted by UNESCO, FAO, W/O, WMO, the IOC and ESCAP. It is also a member of the Association for Science Cooperation in Asia (ASCA) and is active in the science and technology activities of the OECD, of which Australia is a member.

467. Australia has a number of bilateral and multilateral development assistance programmes as mentioned above. Australia, through the Australian Academy of Science, is a member of the 19 unions of the International Council of Scientific Unions (ICSU).

Antarctica

468. In 1957, as part of the International Geophysical Year (IGY), 12 nations including Australia, cooperated in research programmes in Antarctica. The cooperation between these nations led to discussions of a treaty to regulate international activity in the area. On 1 December 1959 the Antarctic Treaty was signed. The original signatories included Australia.

469. Under the Treaty, nations have developed measures providing for the protection of wildlife, cooperated in scientific research, declared areas of special scientific interest, and coordinated telecommunications, transport and logistics. The Treaty has led to a system of Consultative Meetings, at which the original signatories, and other Parties which have been accepted as having Consultative Party status, deal with issues of common interest and make recommendations to their Governments. Since its inception, 78 such recommendations have been adopted. Recent meetings have focused on recommendations on resource issues.

470. The Treaty has been successful in preserving the environment and promoting international cooperation in the Antarctic. The Treaty contains provisions under which a review can take place after 1980.

471. The Australian Government's Antarctic Treaty (Environment Protection) Act 1980 implemented measures agreed by the signatories to the treaty for the conservation of Antarctic flora and fauna.

472. The first moves toward the development of an international agreement on Antarctic marine living resources occurred at the 1977 meeting of the Antarctic Treaty Consultative Parties held in London. Australian scientists played a leading role in the development of the "Convention of the Conservation of Antarctic Marine Living Resources" and by the Antarctic Marine Living Resources Conservation Act 1981, Australia became the first of 15 signatories to ratify this important international agreement. The Convention has been hailed as a major development in the management and conservation of international marine resources.

Intellectual property

473. Australia participates actively in international cooperative efforts associated with the Paris Convention, the Patent Cooperation Treaty, the Strasbourg Agreement and the WIPO conventions.

Cultural Cooperation

(See also section A, subsection 2, clause (c), paras. 200-216)

474. In 1990, the Government decided to establish a Council for Australia Abroad to improve the coordination and focus of overseas public affairs activities and harness a wide range of expertise to advise the Government on the projection of Australia abroad.

475. The functions of the Australia Council and the Australian Film Commission specifically recognize the importance of the development of international contacts and cooperation in the cultural area. The Australia Council's activities include an International Programme which provides for international cultural exchanges, including tours by Australian performing groups and the export of film, art and craft exhibitions, and reciprocal visits by overseas groups. This programme is developed in close collaboration with the Department of Foreign Affairs and Trade, particularly in relation to the development of reciprocal programmes with the countries with whom Australia has cultural exchange agreements. The Australian Film Commission liaises with cultural organizations in other countries to mount film events (for example, the Pompidou Centre in Paris, the British Film Institute, the Film and Television Archive of the University of Southern California) and with international film festivals to encourage the selection of Australian films. In addition, information is provided to international film and television buyers to assist their purchase of Australian programmes and ensure export returns on the Government's investment in the film and television industry.

476. The Australian Film Commission has also negotiated co-production arrangements with statutory authorities in the United Kingdom, Canada, the

former Federal Republic of Germany, France and New Zealand. These arrangements ensure that cultural integrity is preserved but, at the same time, facilitate the production and financing of film and television programmes which deal with cross-cultural issues. Official co-production treaties are in the final stages of negotiation at government level.

477. Australia ratified the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property on 30 January 1990. The Convention is given effect in domestic law by the federal Protection of Movable Cultural Heritage Act 1986.

478. Federal Government statutory bodies, such as the National Library of Australia, the Australian National Gallery, the Australian War Memorial and the Australian Film Commission, seek regular exchange of information with counterpart authorities overseas and most are affiliated with international organizations. Federal statutory authorities participate in the development and implementation of international cultural exchange agreements.

479. In the interests of the most effective operation of the Australia's cultural institutions to recognized world standards, Australia's national museums, institutions and gallery are affiliated with international bodies such as ICOM, and visits by technical experts from other countries are welcomed.

480. Several Australian archival institutions, including the Australian Society of Archivists, are members of the International Council on Archives (ICA) and, to the extent practicable, participate in and contribute to ICA conferences, seminars and symposiums on technical matters. Australian Archives have provided advice and assistance to archival institutions in developing countries

481. The Australian Film, Television and Radio School participates in international activities through its membership of CILECT, the world federation of film and television schools. These activities are held throughout the world and include student and staff exchanges, international student film festivals and development and research forums. The School regularly conducts training programmes offshore. To date, this has been concentrated in Asia and the Pacific and has involved collaboration with the Department of Foreign Affairs and Trade, the Australian International Development Assistance Bureau, UNESCO and the South Pacific Commission.

482. The Australian War Memorial has assisted with the development of museum institutions in the Asian and Oceanic regions.

483. Exhibitions of Aboriginal and Torres Strait Islander arts and crafts are a major component in the international programme of the Australia Council's ATSI Arts Unit, with support also being extended to performances by ATSI dancers, musicians and singers at exhibition openings. Performing groups have also attended overseas festivals and celebrations, and Aboriginals and Torres Strait Islanders involved in fields such as art, literature, theatre and film, have attended conferences, meetings and promotional events, as well as travelled overseas for the purpose of study in their chosen field.

484. The Australian Film Commission, in collaboration with the Australian Institute of ATSI Studies' Film Archive, has recently presented programmes in Europe and the United States of films about, and produced by, Aboriginals and Torres Strait Islanders.

485. Private national entrepreneurial groups receive government funding for their activities. An important initiative in this area was the introduction in 1980 of the World Theatre Exchange Programme by the Cladan Cultural Institute which brings to Australia groups from countries where a large number of Australia's ethnic groups originated.

486. In 1979, the Federal Government funded the establishment of the International Cultural Corporation of Australia Ltd., the objects of which include the promotion of international exchanges. Its activities have involved entrepreneurial work in international arts exhibitions.

Factors and difficulties affecting the development of international cooperation in the scientific and cultural fields

487. The principal impediments to greater international contact in cultural matters are the limited resources available in the responsible agencies and Australia's geographic isolation, which has an impact on the cost and feasibility of increasing its cultural programme. Long-term strategies and priorities have been determined to ameliorate the detrimental impact of these factors.

488. In recognition of the growing economic significance of international meetings and conferences to the tourism industry, the Federal Government established a consultative group in 1984 to explore the future of the conventions and meetings industry in Australia. One of the outcomes of that exercise was increased awareness of the earning potential of the meetings industry. Marketing strategies of both the Australian Tourist Commission and visitor and convention bureau have targeted decision-makers in order to increase the frequency of international conferences being held in Australia.

489. In some areas of cultural activity such as film, which is both a manufacturing industry and an art form, the emphasis in the last half of the decade has been on cultural activities which both enhance Australia's international reputation and result in economic returns to Australia.

## Annex I

## EDUCATIONAL AWARDS ADMINISTERED BY THE FEDERAL GOVERNMENT

### Australian Government
### Major student assistance schemes
### Primary and secondary education

Number of students receiving assistance in 1988

| Scheme | Conditions of award | 1988 |
|---|---|---|
| AUSTUDY | Refer to Tertiary Education Table below | |
| Assistance for Isolated Children | Partially means-tested boarding (or second home) assistance and correspondence allowances provided for students whose home is beyond a specified distance from nearest school and school transport service. Assistance may also be made available for children with disabilities, children undertaking remedial or other special courses and children from itinerant families. | 17 334* |
| ABSTUDY (schooling) | Income-tested allowance for Aboriginal students aged 14 years or more, to enable eligible students to undertake study at an approved secondary school. | 24 193 |

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* Estimate.

### Australian Government
### Major student assistance schemes
### Tertiary education

Number of students receiving assistance in 1988

| Scheme | Conditions of award | 1988 |
|---|---|---|
| Postgraduate Awards | Non-means-tested competitive awards for postgraduate study at Australian universities. (Some places reserved for students in colleges of advanced education.) | |
| AUSTUDY | Means-tested allowances for full-time students aged 16 years and over enrolled in approved full-time secondary or tertiary courses | 285 703 |
| ABSTUDY | Income-tested allowances for Aboriginal students to undertake an approved course of study at tertiary institutions. | 14 694 |

## Annex II

## Government grants

### Australia Council Grants, 1987/88 ($'000)

| | Grant | % |
|---|---|---|
| Aboriginal Arts | 3 037 | 7 |
| Community Cultural Development Unit | 4 818 | 10 |
| Design Board | 476 | 1 |
| Literary Arts Board | 3 565 | 8 |
| Performing Arts Board | 27 142 | 58 |
| Visual Arts/Craft Board | 5 828 | 13 |
| Council Programmes | 1 284 | 3 |
| TOTAL | 46 147 | 100 |

Source: Australia Council, Annual Report, 1987/88

### State Government Grants by Art Form, 1986-87 ($'000)

| | NSW | VIC | QLD | WA | SA | TAS | NT | ACT |
|---|---|---|---|---|---|---|---|---|
| Aboriginal Arts | 23 | 25 | 4 | 40 | 130 | 5 | 11 | - |
| Community and Multi-arts | 864 | 797 | 1 232 | 431 | 249 | 172 | 576 | 217 |
| Crafts | 209 | 578 | 82 | 71 | - | 115 | 115 | 62 |
| Film/Radio/TV | 127 | 111 | 26 | 924 | 223 | 16 | 22 | 6 |
| Literature | 145 | 225 | 27 | 63 | 208 | 41 | 8 | - |
| Music | 2 528 | 2 240 | 2 595 | 2 285 | 1 628 | 114 | 45 | 185 |
| Theatre | 2 728 | 2 014 | 2 522 | 4 325 | 2 075 | 475 | 381 | 623 |
| Visual Arts | 665 | 1 245 | 86 | 203 | 858 | 67 | 11 | 181 |
| Other | 324 | 2 823 | - | 169 | 1 214 | 9 | - | 31 |
| TOTAL | 7 613 | 10 058 | 6 574 | 8 511 | 6 585 | 1 013 | 1 169 | 1 305 |
| % | 18 | 23 | 15 | 20 | 15 | 2 | 3 | 3 |

Source: Australia Council, The Arts: Some Australian Data, 1989.

State Government Grants*: Other Funding and/or Institutions 1986-87 ($'000)

| | NSW | VIC | QLD | WA | SA | TAS | NT | ACT |
|---|---|---|---|---|---|---|---|---|
| Art Museums | 4 317 | 5 959 | 3 391 | 3 775 | 2 192 | 1 822 | 371 | 6 156 |
| Radio/TV | 220 | - | - | - | - | - | - | - |
| Crafts Authority | - | - | - | - | 547 | 52 | - | - |
| Film Corp/Auth | 2 990 | 1 328 | 1 080 | 628 | 1 874 | 276 | - | 9 |
| Heritage | 4 697 | - | 62 | 187 | 1 976 | 1 198 | 187 | 418 |
| Libraries | 21 062 | 23 633 | 16 343 | 20 420 | 15 937 | 8 965 | 4 579 | 1 149 |
| Museums | 7 475 | 5 963 | 4 791 | 6 131 | 3 632 | 26 | - | 243 |
| Arts Museums | 7 901 | - | - | - | - | - | - | - |
| Other | 724 | 450 | - | - | 1 732 | - | - | 969 |
| TOTAL | 49 386 | 37 333 | 25 667 | 31 141 | 27 890 | 12 339 | 8 482 | 29 411 |
| % | 25 | 19 | 13 | 16 | 14 | 6 | 4 | 3 |

Source: Australia Council, The Arts - Some Australian Data 1989.

* Including administration.

Grants and Other Funding: Government Agencies, 1988 ($'000)

| | Cultural Funding | Arts Centre Operating Costs | One-off Capital Grants | Other Cultural Institutional Funding | Total |
|---|---|---|---|---|---|
| DASETT 4 | - | - | 182 767 | 58 788 | 241 555 |
| Australia Council | 46 147 | - | - | - | 46 147 |
| NSW 2 | 7 613 | 18 296 | 49 386 | 81 179 | 156 474 |
| VIC 2 | 10 058 | 4 430 | 37 333 | 32 738 | 84 559 |
| QLD | 6 574 | 11 568 | 25 667 | 21 375 | 65 184 |
| WA | 6 585 | 1 563 | 31 141 | - | 39 289 |
| SA | 8 511 | 5 350 | 27 890 | 10 358 | 52 109 |
| TAS | 1 013 | - | 12 339 | 4 419 | 17 771 |
| NT | 1 169 | 673 | 8 482 | - | 10 324 |
| ACT | 1 305 | 28 | 2 994 | 80 | 4 407 |
| TOTAL | 88 975 | 41 908 | 377 999 | 208 937 | 717 819 |

Source: Australia Council, Annual Report, 1987-88, and The Arts - Some Australian Data, 1989. Commonwealth Budget Paper No.3, 1988.

## Annex III

SELECTED POST-SCHOOL QUALIFICATIONS IN AUSTRALIA, 1987

| Field | Degrees | Diploma/ Cert. | Total in population | Total in workforce | % women |
|---|---|---|---|---|---|
| Medicine and health | 79 000 | 428 500 | 507 500 | 351 000 | 78 |
| Science and agriculture | 165 900 | 92 500 | 258 400 | 214 900 | 25 |
| Engineering | 90 100 | 158 900 | 249 000 | 213 500 | 4 |
| Sub-total Nat. science and engineering | 335 000 | 679 900 | 1 014 900 | 779 400 | 43 |
| (% who are women) | (25%) | (62%) | (50%) | (43%) | |
| Social Sciences and social studies | 169 900 | 89 500 | 259 400 | 189 000 | 60 |
| Education | 135 100 | 260 200 | 395 300 | 292 300 | 68 |
| TOTAL | 640 000 | 1 029 600 | 1 669 600 | 1 260 700 | 51 |
| (% who are women) | (42%) | (68%) | (58%) | (51%) | |

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